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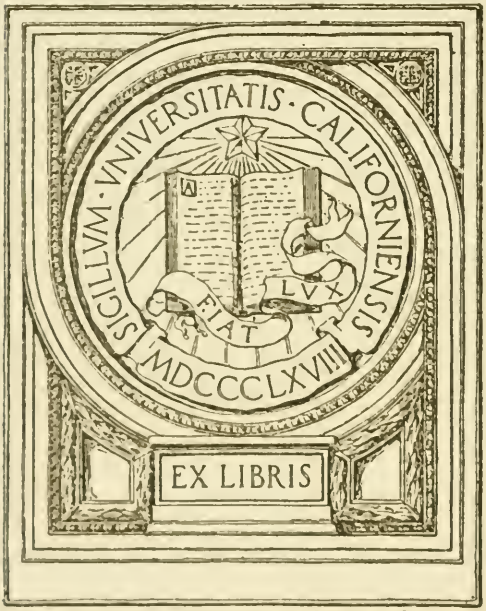

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THE

# WORKS

OF

# HENRY FIELDING, ESQ.

WITH AN ESSAY ON HIS LIFE AND GENIUS.

BY

ARTHUR MURPHY, ESQ.

A NEW EDITION.

EDITED BY

JAMES P. BROWNE, M.D. (EDINB.)

IN TEN VOLUMES.

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THE

# COVENT-GARDEN JOURNAL.

BY

SIR ALEXANDER DRAWCANSIR, KNT.,

CENSOR OF GREAT BRITAIN.

THE

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BY

## SIR ALEXANDER DRAWCANSIR, KNT.,

CENSOR OF GREAT BRITAIN.

---

No. 3. SATURDAY, JANUARY 11, 1752.

---

*Majores nusquam rhonci; juvenesque, senesque,*
*Et pueri nasum rhinocerotis habent.* MART.

IN ENGLISH.

No town can such a gang of critics shew;
Even boys turn up that nose they cannot blow.

BY a record in the censor's office, and now in my custody, it appears that at a censorial inquisition, taken *Tricesimo qto. Eliz.* by one of my illustrious predecessors, no more than nineteen critics were enrolled in the cities of London and Westminster; whereas, at the last inquisition, taken by myself 25° *Geo. IIdi.* the number of persons claiming a right to that order, appears to amount to 276,302.

This immense increase is, I believe, to be no otherwise accounted for, than from the very blameable negligence of the late censors, who have, indeed, converted their office into a mere sinecure, no inquisition, as I can find, having been taken since the censorship of Isaac Bickerstaff, Esq., in the latter end of the reign of Queen Anne.

To the same neglect are owing many encroachments on all the other orders of the society. That of gentlemen in particular, I observe to have greatly increased, and that of sharpers to have decreased in the same proportion within these few years.

All these irregularities it is my firm purpose to endeavour at reforming, and to restore the high office with which I am invested to its ancient use and dignity. This, however, must be attempted with prudence and by slow degrees; for habitual and inveterate evils are to be cured by slow alteratives, and not by violent remedies. Of this the good emperor Pertinax will be a lasting example. 'This worthy man,' says Dion Cassius, 'perished by 'endeavouring too hastily to reform all the evils which 'infested his country. He knew not, it seems, though 'otherwise a man of very great knowledge, that it is not 'safe, nor indeed possible, to effect a reformation in too 'many matters at once: a rule which, if it holds true in 'private life, is much more so when it is applied to those 'evils that affect the public.'

I thought it, therefore, not prudent, in the hurry of my above inquisition to make any exceptions, but admitted all who offered to be enrolled. This is a method which I shall not pursue hereafter, being fully resolved to inquire into the qualifications of every pretender.

And that all persons may come prepared to prove their right to the order of critics, I shall here set down those several qualifications which will be insisted on before any will be admitted to that high honour. In doing this, however, I shall strictly pursue the excellent rule I have cited, and shall act with most perfect moderation: for I am willing to throw open the door as wide as I can, so that as few as possible may be rejected.

It is, I think, the sentiment of Quintilian, that no man

is capable of becoming a good critic on a great poet, but he who is himself a great poet. This would, indeed, confine the critics on poetry, at least, to a very small number; and would, indeed, strike all the ancients, except only Horace and Longinus, off the roll; of the latter of whom, though he was no poet, Mr. Pope finely says,

> Thee, great Longinus, all the Nine inspire,
> And bless their critic with a poet's fire.

But with respect to so great a name as that of Quintilian, this rule appears to me much too rigid. It seems, indeed, to be little less severe than an injunction, that no man should criticise on cookery but he who was himself a cook.

To require what is generally called learning in a critic, is altogether as absurd as to require genius. Why should a man in this case, any more than in all others, be bound by any opinions but his own? Or, why should he read by rule any more than eat by it? If I delight in a slice of bullock's liver, or of Oldmixon, why shall I be confined to a turtle or to Swift?

The only learning, therefore, that I insist upon is, that my critic *be able to read;* and this is surely very reasonable; for I do not see how he can otherwise be called a reader; and if I include every reader in the name of critic, it is surely very just to confine every critic within the number of readers.

Nor do I only require the capacity of reading, but the actual exercise of that capacity; I do here strictly forbid any persons whatever to pass a definitive sentence on a book *before they have read at least ten pages of it*, under the penalty of being for ever rendered incapable of admission to the order of critics.

Thirdly, all critics who, from and after the first day of

February next, shall condemn any book, shall be ready to give some reason for their judgment; nor shall it be sufficient for such critic to drivel out, 'I don't know, not 'I; but all that I know is, I don't like it.' Provided, nevertheless, that any reason, how foolish or frivolous soever, shall be allowed a good and full justification; except only the words *poor stuff*, *wretched stuff*, *bad stuff*, *sad stuff*, *low stuff*, *paltry stuff*. All which *stuffs* I do for ever banish from the mouths of all critics.

Provided also, that the last-mentioned clause do extend only to such critics as openly proclaim their censures; for it is our intention, that all persons shall be at liberty to dislike privately whatever book they please, without understanding or reading one word of it, any thing therein or herein contained to the contrary notwithstanding.

But as it is reasonable to extend this power of judging for themselves no farther in this case of criticism than it is allowed to men in some others, I do here declare, that I shall not, for the future, admit any males to the office of criticism till they be of the full age of eighteen, that being the age when the laws allow them to have a capacity of disposing personal chattels; for, before that time, they have only the power of disposing of themselves in the trifling article of marriage. Females, perhaps, I shall admit somewhat earlier, provided they be either witty or handsome, or have a fortune of five thousand pounds and upwards.

Together with childhood I exclude all other civil incapacities; and here I mean not only legal but real lunatics, and idiots. In this number I include all persons who, from the whole tenour of their conduct, appear to be incapable of discerning good from bad, right from wrong, or wisdom from folly, in any instance whatever.

There are again some persons whom I shall admit only to a partial exercise of this office; as, for instance, rakes,

beaux, sharpers, and fine ladies, are strictly forbidden, under penalty of perpetual exclusion, to presume to criticise on any works of religion or morality. All lawyers, physicians, surgeons, and apothecaries, are strictly forbidden to pass any judgment on those authors who attempt any reformation in law or physic. Officers of state, and would-be officers of state (honest men only excepted), with all their attendants, and dependents, their placemen, and would-be placemen, pimps, spies, parasites, informers, and agents, are forbidden, under the penalty aforesaid, to give their opinions of any work in which the good of the kingdom in general is designed to be advanced; but as for all pamphlets which any-wise concern the great cause of Woodall Out, and Takeall In, Esqrs. full liberty is left to both parties; and the one may universally cry up and commend, and the other may universally censure and condemn, as usual. All critics offending against this clause are to be deemed infamous, and their several criticisms are hereby declared to be entirely void, and of none effect.

No author is to be admitted into the order of critics until he hath read over, and understood, Aristotle, Horace, and Longinus, in their original language; nor then without a testimonial that he hath spoken well of some living author besides himself.

Lastly, all persons are forbidden, under the penalty of our highest displeasure, to presume to criticise upon any of those works with which *we ourselves* shall think proper to oblige the public; and any person who shall presume to offend in this particular will not only be expunged from the roll of critics, but will be degraded from any other order to which he shall belong; and his name will be forthwith entered in the records of Grub-street.

ALEXANDER DRAWCANSIR.

## No. 4. TUESDAY, January 14, 1752.

*—— Nanum cujusdam Atlanta vocamus:*
*Æthiopem Cygnum: parvam extortamque puellam*
*Europen. Canibus pigris scabieque vetusta*
*Lævibus, et siccæ lambentibus ora lucernæ*
*Nomen erit Pardus, Tigris, Leo; si quid adhuc est*
*Quod fremat in terris violentius.——*

Juv. Sat. viii.

'One may observe,' says Mr. Locke, 'in all languages, 'certain words, that, if they be examined, will be found, 'in their first original, and their appropriated use, not to 'stand for any clear and distinct ideas.' Mr. Locke gives us the instances of *wisdom*, *glory*, *grace*. 'Words which 'are frequent enough (says he) in every man's mouth; 'but if a great many of those who use them should be 'asked what they mean by them, they would be at a 'stand, and not know what to answer; a plain proof, 'that though they have learned those sounds, and have 'them ready at their tongue's end, yet there are no deter-'mined ideas laid up in their minds, which are to be 'expressed to others by them.'

Besides the several causes by him assigned of the abuse of words, there is one, which, though the great philosopher hath omitted it, seems to have contributed not a little to the introduction of this enormous evil. This is that privilege which divines and moral writers have assumed to themselves of doing violence to certain words in favour of their own hypotheses, and of using them in a sense often directly contrary to that which custom (the absolute lord and master, according to Horace, of all the modes of speech) hath allotted them.

Perhaps, indeed, this fault may be seen in somewhat a milder light (and I would always see the blemishes of such writers in the mildest). It may not, perhaps, be so justly owing to any designed opposition to custom as a total ignorance of it: an ignorance which is almost inseparably annexed to a collegiate life, and which any man, indeed, may venture to own without blushing.

But whatever may be the cause of this abuse of words, the consequence is certainly very bad; for whilst the author and the world receive different ideas from the same words, it will be pretty difficult for them to comprehend each other's meaning; and hence, perhaps, it is, that so many gentlemen and ladies have contracted a general odium to all works of religion or morality; and that many others have been readers in this way all their lives without understanding what they read, consequently without drawing from it any practical use.

It would, perhaps, be an office very worthy the labour of a great commentator to explain certain hard words which frequently occur in the works of Barrow, Tillotson, Clark, and others of this kind. Such are *heaven*, *hell*, *judgment*, *righteousness*, *sin*, &c. All which, it is reasonable to believe, are at present very little understood.

Instead, however, of undertaking this task myself, at least at present, I shall apply the residue of this paper to the use of such writers only. I shall here give a short glossary of such terms as are at present greatly in use, and shall endeavour to fix to each those exact ideas which are annexed to every of them in the world; for while the learned in colleges do, as I apprehend, consider them all in a very different light, their labours are not likely to do much service to the polite part of mankind.

## A MODERN GLOSSARY.

*Angel.*—The name of a woman, commonly of a very bad one.

*Author.*—A laughing stock. It means likewise a poor fellow, and in general an object of contempt.

*Bear.*—A country gentleman; or, indeed, any animal upon two legs that doth not make a handsome bow.

*Beauty.*—The qualification with which women generally go into keeping.

*Beau.*—With the article A before it, means a great favourite of all women.

*Brute.*—A word implying plain-dealing and sincerity; but more especially applied to a philosopher.

*Captain.*} Any stick of wood with a head to it, and a
*Colonel.*} piece of black riband upon that head.

*Creature.*—A quality expression of low contempt, properly confined only to the mouths of ladies who are right honourable.

*Critic.*—Like *homo*, a name common to all the human race.

*Coxcomb.*—A word of reproach, and yet, at the same time, signifying all that is most commendable.

*Damnation.*—A term appropriated to the theatre; though sometimes more largely applied to all works of invention.

*Death.*—The final end of man; as well of the thinking part of the body as of all the other parts.

*Dress.*—The principal accomplishment of men and women.

*Dulness.*—A word applied by all writers to the wit and humour of others.

*Eating.*—A science.

*Fine.*—An adjective of a very peculiar kind, destroy-

ing, or, at least, lessening the force of the substantive to which it is joined; as fine gentleman, fine lady, fine house, fine clothes, fine taste;—in all which *fine* is to be understood in a sense somewhat synonymous with useless.

*Fool.*—A complex idea, compounded of poverty, honesty, piety, and simplicity.

*Gallantry.*—Fornication and adultery.

*Great.*—Applied to a thing, signifies bigness; when to a man, often littleness or meanness.

*Good.*—A word of as many different senses as the Greek word Ἔχω, or as the Latin *Ago:* for which reason it is but little used by the polite.

*Happiness.*—Grandeur.

*Honour.*—Duelling.

*Humour.*—Scandalous lies, tumbling and dancing on the rope.

*Judge.*
*Justice.* } An old woman.

*Knave.*—The name of four cards in every pack.

*Knowledge.*—In general, means knowledge of the town; as this is, indeed, the only kind of knowledge ever spoken of in the polite world.

*Learning.*—Pedantry.

*Love.*—A word properly applied to our delight in particular kinds of food; sometimes metaphorically spoken of the favourite objects of all our appetites.

*Marriage.*—A kind of traffic carried on between the two sexes, in which both are constantly endeavouring to cheat each other, and both are commonly losers in the end.

*Mischief.*—Fun, sport, or pastime.

*Modesty.*—Awkwardness, rusticity.

*No body.*—All the people in Great Britain, except about 1200.

*Nonsense.*—Philosophy, especially the philosophical writings of the ancients, and more especially of Aristotle.

*Opportunity.*—The season of cuckoldom.

*Patriot.*—A candidate for a place at court.

*Politics.*—The art of getting such a place.

*Promise.*—Nothing.

*Religion.*—A word of no meaning; but which serves as a bugbear to frighten children with.

*Riches.*—The only thing upon earth that is really valuable, or desirable.

*Rogue.*
*Rascal.* } A man of a different party from yourself.

*Sermon.*—A sleeping dose.

*Sunday.*—The best time for playing at cards.

*Shocking.*—An epithet which fine ladies apply to almost every thing. It is, indeed, an interjection (if I may so call it) of delicacy.

*Temperance.*—Want of spirit.

*Taste.*—The present whim of the town, whatever it be.

*Teasing.*—Advice; chiefly that of a husband.

*Virtue.*
*Vice.* } Subjects of discourse.

*Wit.*—Profaneness, indecency, immorality, scurrility, mimickry, buffoonery. Abuse of all good men, and especially of the clergy.

*Worth.*—Power, rank, wealth.

*Wisdom.*—The art of acquiring all three.

*World.*—Your own acquaintance.

## No. 8. TUESDAY, January 28, 1752.

*Ambubaiarum collegia, pharmacopolæ,*
*Mendici, mimi, balatrones; hoc genus omne.*

Hor.

A motley mixture! in long wigs, in bags,
In silks, in crapes, in garters, and in rags.

Dunciad.

The following is a literal copy of the fragment mentioned in my sixth paper. In what language it was originally writ, is impossible to determine. To determine this, would be, indeed, to ascertain who these Robinhoodians were; a point, as we shall shew in our comment, of the utmost difficulty. From the apparent difference in the style, and spelling of the translation, it seems to have been done into English by several hands, and probably in distant ages. I have placed my conjectures concerning some doubtful words at the bottom of the page, without venturing to disturb the text.

### IMPORTINENT* QUESTIONS CUNSARNING RELIDGIN AND GUBERMINT, HANDYLED BY THE ROBINHOODIANS.

*March* 8, 1751.

This evenin the questin at the Robinhood was, Whether relidgin was of any youse to a sosyaty; baken† bifor mee To'mmas Whytebred, baker.

* Perhaps impertinent.

† I think this should be read *taken*, and the baker's being intent on his trade occasioned the corruption.

James Skotchum, barber, spak as floweth: 'Sir, I ham 'of upinion, that relidgin can be of no youse to any 'mortal sole; bycause as why, relidgin is no youse to 'trayd, and if relidgin be of no youse to trayd, how ist 'it yousefool to sosyaty. Now no body can deny but 'that a man maye kary on his trayd very wel without 'relidgin; nay, and better two, for then he maye wurk 'won day in a wik mor than at present; whereof no body 'can saye but that seven is more than six: besides, if we 'haf no relidgin we shall have no pairsuns*, and that 'will be a grate savin to the sosyaty; and it is a '† maksum in trayd, that a peny sav'd is a peny got. 'Whereof——' The end of this speech seems to be 'wanting, as doth the beginning of the next.

'—— different opinion from the learned gentleman 'who spoke first to the question: First, I deny that trade 'can be carried on without religion; for how often is the 'sanction of an oath necessary in contracts, and how can 'we have oaths without religion? As to the gaining 'one day in seven, which the gentleman seems to lay 'much stress upon, I do admit it to be an argument of 'great force; but I question, as the people have been 'long used to idleness on that day, whether it would be 'easy to make them work upon it; and, consequently, 'if they had no churches to go to, whether they would 'not resort to some worse place? As to the expense of 'parsons, I cannot think it is prejudicial to the society 'in general; for the parsons are members of this society; 'and whether they do but little, or others who do nothing 'at all for their livelihood, possess their revenues, is a 'matter of no manner of concern to the public. Indeed, 'what the gentleman says concerning the Dutch, I shall 'own is highly to the honour of those industrious people;

* Read *parsons*. † Read *maxim*.

'and I question not but if religion was to interfere with 'any branch of our trade, there is still so much good sense 'left in the nation, that we should presently sacrifice the 'shadow to the substance. But though some instances 'should occur, in which religion may be prejudicial, it 'cannot be fairly argued from thence, that religion is 'therefore of no use to the society; and till that can be 'proved, I shall not give my vote for its abolition. But 'at present——' *hammer down.*

Mr. Mac Flourish, student. 'I shall with grete reedi-'ness undertake that tosk upon my seel.—Sir, the 'question, as I tak it, is, whether religion be of any use 'to society? And, Sir, this is a question of that deg-'nity, that grete emportance, that when I conseder the 'matter of wheech I am to speke, the degnity of the 'odience before whom I am to speke, wen I refleect on 'the smallness of my own abeelities, weel may I be 'struck with the greetest awe and reveerence; for, Sir, 'neither Demosthenes, nor Eschines, nor Cecero, nor 'Hortensius, ever handled a more emportant question: 'and, Sir, should any thing misbecoming drop from me 'on this grete occasion, though your candour, your benee-'volence, might encline you to extend an unmeerited 'attention, yet, Sir, these walls, these stones, these 'boards, these very bracks, withute ears, withute a 'tongue, would tacitly express their endeegnation. Sir, 'it is a queestion, that whoever hath rede history, or 'deeved at all into the oxceelent mystery of politics, 'must confees, that all the grete pheelosophers, poets, 'orators, historians'——*hammer down.*

Mr. Ocurry, solicitor. 'Upon my shoul, I am very 'sorry now that the rules of this grate society forced 'the last very learned gentleman to sit down before he 'told us his opinion; but, whatever it be, I am after 'being of the saame. It is very true, upon my shoul,

'what he said, that it is a very grate question, and I do 'not well know fether I understand it as yet, or no; but 'this I think, that if religion be a great hurt to the 'nation, I cannot for my shoul see where the good of it 'is. This I know very well, that there is a very good 'religion in Ireland, and they do call it the Roman 'Catholic religion, and I am of it myself, though I don't 'very well know what it is. There is something about 'beads and masses, and patty nosters, and ivy marys, 'and I will fight for it as long as I am alive, and longer. '—And, upon my shoul, I will tell you a good thing; 'if you are afraid of your own religion, you may send 'for ours, for I know it will come; for father Patrick 'Ocain did tell me, he would bring it along with him. 'Nay, he tould me, that he had brought it hither 'before he did come himself.' [At which there was a laugh.]

Mr. Giles Shuttle, weaver.—'I hope no gentleman 'will treat this thing as a jest, whereof I thinks it to be 'a very great matter of earnest. Whereof I don't much 'understand your speech-making sort of work, but this I 'thinks, that I am as good a judge of these sort of 'matters, for I am worth a hundred pounds, and owes 'no man a farthing. Whereof I thinks, I am as good a 'man as another; for why should not any other man have 'as much sense as a gentleman? I thinks I knows some-'thing of trade; that to be sure, is the main article in 'every trading nation, whereby ——' Here the first paper was broke off. The second is as follows:

Question. Whether infinite power could make the world out of nothing?

The speakers to this question were, Mr. Thomas Tinderbox, the chandler; Mr. George White, boat-swain's mate; Mr. Edward Peacock, victualler; Mr. Buge, the shoemaker; Mr. Goose, the tailor; Mr. Halt,

the maker of pattins; and one great scholar, whose name I do not know.

It was urged on the behalf of infinite power, that we have no very adequate idea of it. That there are many things which we see are, and yet we cannot with any great certainty, tell how they came to be. That so far from our reason being able to comprehend every thing, some wise men have doubted, whether we do, with certainty, comprehend any thing. That whatever we may think we know, we do not know how we think. That either every thing was made by something out of nothing, or else nothing made every thing, either out of something or nothing. And, lastly, that infinite power might more reasonably be supposed to create every thing out of nothing, than no power at all could be supposed to make every thing out of any thing.

On the contrary, it was well argued, that nothing can be made out of nothing, for, *ex nihil*, *O nothing is fit.* That every day's experience must convince us of this; that, by infinite power, we only meant a very great degree of power; but that, if the thing to be done be not the subject of power, the smallest degree would be equal to the greatest. And it was urged with great force of wit and eloquence, by Mr. Goose, that the best tailor, and the worst, were alike unable to make a coat without materials. That, in this case, a tailor with infinite power would be in the same condition with a tailor who had no power at all. And if so small a thing as a coat could not be made out of nothing, how could so large a thing as the world be cut out of the same no materials? The scholar gave a very good answer to what had been offered concerning our ignorance of infinite power, and said, if he had no adequate idea of it, it was a good cause of disbelieving it; for, as reason was to be judge of all things, what was not the object of reason ought to be rejected by it. He

admitted, that there were some things which did exist, and that we did not as yet know the manner in which they came to exist; but it did not follow that such causes were above the reach of human reason, because she had not yet discovered them; for, he made no doubt, but that this society, by means of their free inquiry after truth, would, in the end, discover the whole; and that the manner in which a man was made would be no more a mystery to posterity than it is to the present age how they make a pudding. He concluded with saying, that some very wise and learned men, who lived near three thousand years ago, had asserted that the world had existed from all eternity, which opinion seemed to solve all difficulties, and was, as it appeared, highly agreeable to the sentiments of the whole society.

Question. Whether, in the opinion of this society, the government did right in ——

Here ends this valuable fragment, on which I shall give my comment in my next paper.

---

## No. 9. SATURDAY, February 1, 1752.

---

*Dic quibus in terris, et eris mihi magnus Apollo.*

Virg.

Tell in what clime these people did appear,
And you shall be the laureat of next year.

It will be a very difficult matter to fix with any certainty, at what place, and amongst what people, the Robinhood society was held, as we have not the least light to guess from what language the fragment which now remains

to us, was originally translated. Two things may be averred, that this society was held in some country where the people were extremely free; and, secondly, that it was in a country, where that part of the community, which the French called *la Canaille*, was at the head of public affairs.

From the latter of these circumstances, it appears that these Robinhoodians cannot be placed among the Egyptians; for Diodorus Siculus, speaking of these people, tells us, that, 'Whereas in all democracies great injury is 'done to the state by the populace interfering in the 'public councils, the Egyptians very severely punished 'these artificers who presumed to meddle with matters of 'government.' *

Nor can I ever believe, that the question, Whether religion was of any use to society? would ever have been supported amongst a people so highly devoted to superstition, that religion was indeed the foundation of their civil society.

The same objection will recur against placing this society in Athens; for though Pericles, in his speech to the Athenians, recorded in Thucydides, compliments his countrymen with being all politicians, 'Among us,' says he, 'even the mechanics are not inferior to their fellow-'citizens in political knowledge,' †—yet in a country where Socrates was put to death, for attempting an innovation in religious matters, it is hard to believe that the dregs of the people would have been permitted to have questioned the very first principles of all religion with impunity.

And this objection will, I apprehend, hold likewise

* Diod. Sic. fol. 68. Edit. Rhod. Hannov. Πλείσοι δὲ ταῖς δημοκρατεμέναις πόλεσιν, κ. τ. λ.

† Thucyd. lib. ii. c. 40. Καὶ ἑτέροις πρὸς ἔργα τετραμμένοις, κ. τ. λ.

against all other states, not only those which we call civilised, but even the Tartars, Goths, Vandals, and Picts, &c. from the time they are recorded in history. None of these having been found without their deities, and without a very strong persuasion of the truth of some religion or other. And so far were they all from doubting whether religion was of any use, or, as the fragment hath it, youse to the society, that they carried the images of their gods with them to war, and relied upon their favour and assistance for success in all affairs.

To say the truth, the only people now upon earth among whose ancestors I can suppose such an assembly to have been held, are the inhabitants of a certain tract of land in Africa, bordering on the Cape of Good Hope, commonly known unto us by the name of the Hottentots.

I am, however, well aware that there are many objections to this opinion. First, that these Hottentots are supposed not to have any knowledge of religion at all, nor ever to have heard the name of the divinity; whereas it appears manifestly that the Robinhoodians had some kind of religion even established in their country, and that the name of G— was at least known among them.

It is unnecessary to observe, likewise, that the members of this society had more of the use of letters, and were better skilled in the rules of oratory than the Hottentots can be conceived to have been; for as to the speech of Mr. Mac Flourish, as well for the matter as for the eloquence of it, it might be spoken with great applause in many of our politest assemblies.

Upon the whole, therefore, I must confess myself entirely at a loss in forming any probable conjecture as to what part of the earth these Robinhoodians inhabited; not being able to trace the least footsteps of them in any history I have ever seen.

As to the time in which they flourished, the fragment

itself will lend us some little assistance. It is dated 1 51; which figures, I make no doubt, should be all joined together, and then the only doubt will be from what æra this reckoning begun.

And here, I think, there can be no doubt, but that the æra intended was that of the general flood in the time of Noah, and that the Robinhoodians were some party of those people, who are said, after the dispersion at Babel, to have been scattered over the face of the earth.

Those imperfect notions of religion which they appear to have entertained, admirably well agree with this opinion; for it is very reasonable to suppose that such immediate interpositions of providence, or, to speak more adequately, such denunciations of divine vengeance, as were exemplified in the deluge, and the dispersion at Babel, could scarce be so immediately eradicated as not to leave some little impression, some small sparks of religious veneration in the grandchildren and great-grandchildren of those who had been spectators of such dreadful scenes; as, on the other hand, both sacred and profane history assures us, that these sparks were very faint, and not sufficient to kindle any true devotion among them.

Again, as the fragment very plainly appears to have been translated by several hands, so may we very reasonably infer that it was translated out of as many various languages: another reason to fix the date of this assembly soon after the above-mentioned dispersion.

Lastly, the name of Robinhood puts the matter beyond all doubt or question; this word being, as a learned etymologist observed to me, clearly derived from the Tower of Babel; for the first, *Robin* and *Bobin* are allowed to be the same word; the first syllable then is *Bob*, change *o* into *a*, which is only a metathesis of one vowel for another, and you have *Bab;* then supply the termination

*el* instead of *in* (for both are only terminations) and you have clearly the word *Babel.*

As for *h* in *hood*, it is known to be no letter at all, and therefore an etymologist may there place what letter he pleases, and why not a *t* as well as any other. Then change the final *d* into an *r*, and you have *toor*, which hath a better pretence, than the known word, *tor*, to signify tower.—Thus, by a few inconsiderable changes, the Robin-hood and Babel-Tower appear to be one and the same word.

Two objections have been made to the great antiquity of this fragment; the first is, that Ireland is mentioned in it, which, as Camden and others would make us believe, was not peopled till many ages after the æra I have above mentioned; but these learned men are certainly in a mistake; for I am well assured that several Irish beggars, whose ancestors were dispossessed in the wars of the last century, are after having now in their possession the title-deeds of their said estates from long before the times of Noah.

The other objection is, that the Dutch are likewise mentioned in the fragment, a people, as they are generally supposed, of a much later rise in the world, than the period of time which I have endeavoured to assign to this society.

To this I answer, that though that body of people who threw off the Spanish yoke in the time of the Duke of Alva are extremely modern, yet are the Dutch themselves of very great antiquity, as hath been well proved by the learned Goropius Becanus from the history of Herodotus.

That historian tells us, that one of the Assyrian kings, being desirous to discover who were the most ancient people, confined two children, a boy and a girl, till they were at the age of maturity, without suffering either of

them to hear one articulate sound; having determined, I know not for what reason, that whatever language could claim their first word, the people speaking that language should be deemed the most ancient.

The word which was first pronounced by one of them was *Beker*, which in the Phœnician tongue signifies bread; the Phœnicians were therefore concluded to have been the first planters of mankind.

Under this mistake the world continued many ages, till at last the learned Goropius discovered that the word Beker, which in the Phœnician tongue signifies bread, did in the Dutch language signify a baker, and that before bread was, a baker was. *Ergo*, &c.

And here I cannot help observing, that this quotation, as it proves the antiquity of the Dutch, so it proves the great antiquity of bakers, to whose honour we may likewise read in Diodorus, that Isis the wife of Osyris was immortalized among the Egyptians, for having taught them the art of baking.

Succeeding ages, being unwilling to ascribe so great an honour to a woman, transferred it from her to her husband, and called him Bacchus, or, as it is more commonly by modern authors writ, Bakkus, and Bakus, which being literally done into English by the change of the Latin termination, is Baker.

Indeed, it is very reasonable to imagine that before the invention of cookery, the bakers were held in the highest honours, as the people derived from their art the greatest dainty of which their simple taste gave them any idea. And the great esteem in which cookery is held now, may very well account for the preference given to bakers in those early ages, when these were the only cooks.

But if none of these reasons should be thought satisfactory to fix, with any absolute certainty, the exact æra

of this assembly, the following conclusions must be, I think, allowed by every reader:

First, That some religion had a kind of establishment amongst these people.

Secondly, That this religion, whatever it was, could not have the least sway over their morals or practice.

Thirdly, That this society, in which the first principles of religion and government were debated, was the chief assembly in this country, and Mr. Whitebread, the baker, the greatest man in it.

And lastly, I think it can create no manner of surprise in any one that such a nation as this hath been long since swept away from the face of the earth, and the very name of such a people expunged out of the memory of man.

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## No. 10. TUESDAY, February 4, 1752.

*At nostri proavi Plautinos et numeros, et*
*Laudavere sales; nimium patienter utrumque,*
*Ne dicam stultè, mirati.*

MODERNISED.

In former times this tasteless, silly town,
Too fondly prais'd Tom D'Urfrey and Tom Brown.

The present age seems pretty well agreed in an opinion, that the utmost scope and end of reading is amusement only; and such, indeed, are now the fashionable books, that a reader can propose no more than mere entertainment, and it is sometimes very well for him if he finds even this in his studies.

Letters, however, were sure intended for a much more noble and profitable purpose than this. Writers are not, I presume, to be considered as mere jack-puddings, whose business it is only to excite laughter; this, indeed, may sometimes be intermixed, and served up, with graver matters, in order to titillate the palate, and to recommend wholesome food to the mind; and, for this purpose, it hath been used by many excellent authors: 'for 'why,' as Horace says, 'should not any one promulgate 'truth with a smile on his countenance? Ridicule in-'deed,' as he again intimates, 'is commonly a stronger 'and better method of attacking vice than the severer 'kind of satire.'

When wit and humour are introduced for such good purposes, when the agreeable is blended with the useful, then is the writer said to have succeeded in every point. Pleasantry (as the ingenious author of Clarissa says of a story) should be made only the vehicle of instruction; and thus romances themselves, as well as epic poems, may become worthy of the perusal of the greatest of men; but when no moral, no lesson, no instruction, is conveyed to the reader, where the whole design of the composition is no more than to make us laugh, the writer comes very near to the character of a buffoon; and his admirers, if an old Latin proverb be true, deserve no great compliments to be paid to their wisdom.

After what I have here advanced I cannot fairly, I think, be represented as an enemy to laughter, or to all those kinds of writing that are apt to promote it. On the contrary, few men, I believe, do more admire the works of those great masters who have sent their satire (if I may use the expression) laughing into the world. Such are the great triumvirate, Lucian, Cervantes, and Swift. These authors I shall ever hold in the highest degree of esteem; not indeed for that wit and humour alone which

they all so eminently possessed, but because they all endeavoured, with the utmost force of their wit and humour, to expose and extirpate those follies and vices which chiefly prevailed in their several countries.

I would not be thought to confine wit and humour to these writers. Shakspeare, Molière, and some other authors, have been blessed with the same talents, and have employed them to the same purposes. There are some, however, who, though not void of these talents, have made so wretched a use of them, that, had the consecration of their labours been committed to the hands of the hangman, no good man would have regretted their loss; nor am I afraid to mention Rabelais, and Aristophanes himself in this number. For, if I may speak my opinion freely of these two last writers, and of their works, their design appears to me very plainly to have been to ridicule all sobriety, modesty, decency, virtue, and religion, out of the world. Now, whoever reads over the five great writers first mentioned in this paragraph, must either have a very bad head, or a very bad heart, if he doth not become both a wiser and a better man.

In the exercise of the mind, as well as in the exercise of the body, diversion is a secondary consideration, and designed only to make that agreeable, which is at the same time useful, to such noble purposes as health and wisdom. But what should we say to a man who mounted his chamber hobby, or fought with his own shadow for his amusement only? how much more absurd and weak would he appear, who swallowed poison because it was sweet?

How differently did Horace think of study from our modern readers!

*Quid verum atque decens curo et rogo, et omnis in hoc sum:*
*Condo et compono, quæ mox depromere possim.*

'Truth and decency are my whole care and inquiry. In 'this study I am entirely occupied; these I am always 'laying up, and so disposing that I can at any time draw 'forth my stores for my immediate use.' The whole epistle indeed, from which I have paraphrased this passage, is a comment upon it, and affords many useful lessons of philosophy.

When we are employed in reading a great and good author, we ought to consider ourselves as searching after treasures, which, if well and regularly laid up in the mind, will be of use to us on sundry occasions in our lives. If a man, for instance, should be overloaded with prosperity or adversity (both of which cases are liable to happen to us), who is there so very wise, or so very foolish, that, if he was a master of Seneca and Plutarch, could not find great matter of comfort and utility from their doctrines? I mention these rather than Plato and Aristotle, as the works of the latter are not, I think, yet completely made English; and, consequently, are less within the reach of most of my countrymen.

But, perhaps, it may be asked, will Seneca or Plutarch make us laugh? perhaps not; but if you are not a fool, my worthy friend, which I can hardly with civility suspect, they will both (the latter especially) please you more than if they did. For my own part, I declare, I have not read even Lucian himself with more delight than I have Plutarch; but surely it is astonishing, that such scriblers as Tom Brown, Tom D'Urfey, and the wits of our age, should find readers, while the writings of so excellent, so entertaining, and so voluminous an author as Plutarch remain in the world, and, as I apprehend, are very little known.

The truth I am afraid is, that real taste is a quality with which human nature is very slenderly gifted. It is

indeed so very rare, and so little known, that scarce two authors have agreed in their notions of it; and those who have endeavoured to explain it to others, seem to have succeeded only in shewing us that they knew it not themselves. If I might be allowed to give my own sentiments, I should derive it from a nice harmony between the imagination and the judgment; and hence perhaps it is, that so few have ever possessed this talent in any eminent degree. Neither of these will alone bestow it; nothing is indeed more common than to see men of very bright imaginations, and of very accurate learning (which can hardly be acquired without judgment) who are entirely devoid of taste; and Longinus, who of all men seems most exquisitely to have possessed it, will puzzle his reader very much if he should attempt to decide whether imagination or judgment shine the brighter in that inimitable critic.

But as for the bulk of mankind, they are clearly void of any degree of taste. It is a quality in which they advance very little beyond a state of infancy. The first thing a child is fond of in a book is a picture; the second is a story; and the third a jest. Here then is the true Pons Asinorum, which very few readers ever get over.

From what I have said it may perhaps be thought to appear, that true taste is the real gift of nature only; and if so, some may ask, to what purpose have I endeavoured to shew men that they are without a blessing, which it is impossible for them to attain?

Now, though it is certain that to the highest consummation of taste, as well as of every other excellence, nature must lend much assistance; yet great is the power of art almost of itself, or at best with only slender aids from nature; and, to say the truth, there are very few who have not in their minds some small seeds of taste. 'All men,' says Cicero, 'have a sort of tacit sense of

'what is right or wrong in arts and sciences, even with-'out the help of arts.' This surely it is in the power of art very greatly to improve. That most men therefore proceed no farther than as I have above declared is owing either to the want of any, or (which is perhaps yet worse) to an improper education.

I shall probably, therefore, in a future paper, endeavour to lay down some rules by which all men may acquire, at least, some degree of taste. In the mean while, I shall (according to the method observed in inoculation) recommend to my readers, as a preparative for their receiving my instructions, a total abstinence from all bad books. I do therefore most earnestly intreat all my young readers, that they would cautiously avoid the perusal of any modern book till it hath first had the sanction of some wise and learned man; and the same caution I propose to all fathers, mothers, and guardians.

'Evil communications corrupt good manners,' is a quotation of St. Paul from Menander. *Evil books corrupt at once both our manners and our taste.*

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## No. 17. SATURDAY, February 29, 1752.

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*Credite, Posteri.* Hor.

Let posterity take my word for it.

It is a common expression with historians 'That such 'and such facts will hardly be believed by posterity;' and yet these facts are delivered by them as undoubted truths, and very often affirmed upon their own knowledge.

But, what is much more astonishing, many of those very instances, which are represented as difficult articles of truth by future ages, did most probably pass as common occurrences at the time when they happened, and might seem scarce worthy of any notice to the generality of people who were eye-witnesses to the transactions.

The Cardinal de Retz, after relating the almost incredible distress of the then Queen of England, who was likewise the daughter of France, and had not credit at Paris for a faggot to warm herself in the month of January, proceeds thus: 'Nous avons horreur, en lisant 'les histoires, de lachetés moins monstreuses que cella-'là; et le peu de sentiment que je trouvais dans la plupart 'des esprits sur ce fait m'a obligé de faire, je crois, plus 'de mille fois cette reflexion: que les exemples du passé 'touchent sans comparaison plus les hommes que ceux 'de leurs siecles. Nous nous accoutumons à tout ce que 'nous voions; et je vous ai dit quelquefois, que je ne sais 'si le consulat du cheval de Caligula nous auroit autant 'surpris que nous nous l'imaginons.'—'We are shocked, 'in reading history, at many less scandalous instances 'than this; and the little impression which I observed 'this made in the generality of men's minds at that time, 'hath caused this reflection to recur to me a thousand 'times: That the examples of former ages do beyond 'all comparison more sensibly affect us than those of 'our own times. Custom blinds us with a kind of 'glare to those objects before our eyes, and I have often 'doubted whether we should have been as much sur-'prised at Caligula, when he made his horse a consul, as 'we are apt to imagine we should have been.'

I can with truth declare, that I have a thousand times reflected on the judicious discernment of this uncommon observation; the justice and excellence of which I will

endeavour to illustrate to my reader, by taking once more a survey of that opinion, which posterity may be reasonably supposed to entertain of the present times; and as I have formerly shewn that they will probably, in some instances, believe much more than ourselves, so in others, it is altogether as probable, that they will believe less.

Without farther preface, then, let us suppose some great and profound critic, in the fortieth century, undertaking to comment on those historical materials relating to this kingdom with which that age may possibly furnish them; and in what manner may we conceive him more likely to write than in the following?

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ABSTRACT FROM HUMPHREY NEWMIXON'S OBSERVATIONS ON THE HISTORY OF GREAT BRITAIN.

* * * * * * * * *

*Desunt multa.*

THOUGH it is impossible to deliver any thing with great certainty of those fabulous ages, which a little preceded the time when universal ignorance began to overspread the face of the earth; and more especially prevailed in this island, till the restoration of learning, which first began in the thirty-sixth century: some few monuments of antiquity have however triumphed over the rage of barbarism, which may serve us to confute the horrid forgeries of that legendary Geoffry Bechard, who wrote about the year 3000.

This Geoffry writing of the year 1751, hath the following words: 'The Inglis hat set temps ware soe dicted 'to gamein, soe that severl off the grate menn yous'd

'to mak yt thee soal bisens off thayr lifs; hand knot 'unli thee messirs, but also theyre ems yous'd to spind 'a hole dais, hand knitts hatt thayr cartes. Les ems 'aussi bien ass messirs cheept thayre l'assemble forr 'thatt propos, hat whitch les fems hat perdus mundoy 'quelle thayres messirs rop koontri for get.'

So far this bishop, who was reputed to be one of the most learned men of his age, *quia legere et scribere potebat*, says a contemporary author; but those who contend the most for his learning will be able, I am afraid, to say but little for his honesty; since all must allow that he was either deceived himself or hath endeavoured to deceive his readers; for I have now by me a record of undoubted antiquity, by which it appears, that all kinds of gaming were, within a very few years before this period, of which this Geoffry writes, absolutely prohibited under the severest penalties. This law might indeed be infringed by some of the lowest of the people; and there is some reason to think it was so; for in a speech of George the Good, delivered from the throne in that very year 1751, a severe execution of the laws in this respect is recommended to the magistrate.

But that the great men, as the bishop says, should fly thus in the face, not only of those laws which they themselves made, but of their sovereign too, is too incredible, to be imposed even on children.

Again, here is a reflection not only on the great men, but on the great ladies of those times, who are represented in a light, which I shall not affront the present virtuous and prudent matrons, their great grand-daughters in the seventieth descent, by mentioning. But how inconsistent is this character with what we find in the writings of Sir Alexander Drawcansir, the only annalist of whose works any part hath descended to us, who, in one of his annals or journals, acquaints us, that there

was not a single lady in his time married, who was not possessed of every qualification to make the marriage state happy.

The same authority is sufficient to contradict the absurd account which this Geoffry gives in another place of the ladies of those days; where he says that women of the first quality used to make nightly riots in their own houses. One passage is so ridiculous, that I cannot omit it. The ladies of St. James's parish, says he, used to treat their company with Drums; and this was thought one of their most elegant entertainments; some copies, I know, read Drams, but the former is the true reading, nor would the letter much cure the absurdity.

A learned critic indeed of my acquaintance suspects, that the above passage is corrupt, and proposes, instead of St. James's to read St. Giles's, and instead of Drum to read Dram; and then he says the above account will agree with a record of that age, by which it appears, that the women of St. Giles's parish were notoriously addicted to dram drinking at that time. And as for the word Lady, he urges, that it did not then, as it doth now, signify a woman of great rank and distinction, but was applied promiscuously to the whole female sex; to support which he produces a passage from Sir Alexander Drawcansir, where the wife of a low mechanic is called a lady of great merit.

Another legend, recorded by our Geoffry, is sufficient of itself to destroy his credit. He tells us, that a *herd of bucks* used to frequent all the public places; nay, he says, that two or three such animals would sometimes venture among several thousands of gentlemen and ladies, and put them all into confusion and disorder. This is a very scandalous reflection on the gentlemen of those days; but it is at the same time so incredible, that it needs no refutation.

The truth I believe is, that the bishop was a weak and credulous man, and very easily imposed upon: especially in those matters with which his function prevented him from being well acquainted. What he writes of their theatrical entertainments is beyond all measure ridiculous. 'De vurst a nite of le play,' says he, 'd'author 'was a put a de stake sur on de theatre stage, dare des 'criticats dey palt at him, hyess him, catadecall him; 'off, off him, vor too dree heures. Dis be dam playe. 'Des criticats be de a perentice, klarque, boo, buccuk 'and gamambler.'

Now I will refer it to any one whether the historian can be conceived here to write of a civilized people, and such the Britons are allowed on all hands to have been at that time.

Monsieur de Belle Lettre in his Melange Critique, which he published in the year 3892, treats the whole history of this Geoffry as a romance; and, indeed, what is recorded in it concerning dogs seems sufficiently to favour this opinion. At this time, says Bechard, the chief learning among those people was among the dogs. Learning was then a common epithet to several of the canine speeches, and a great dispute was for a long time carried on between a French and English individual of this species. We know not in whose favour it was determined; but it is agreed on all hands, that the question was, which was the most learned of the two. The historian adds, that several of the most eminent writers were of the canine kind; and were universally called sad dogs.*

The bishop concludes his history with these words: 'Monstr. incred ten tousand pip. siffi nit. up got zee

* 'Sad is synonymous with grave, wise. The Judges were formerly 'called sad men of the law.'

'oostryche tap tonnobus, is pregados. dat zocurn hypor 'hoperad abun, idelonycus quinto pur zin inmus fi fadon 'addili.'

Which is so ridiculous a supposition, that I shall leave it with the reader without any remark.

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## No. 21. SATURDAY, March 14, 1752.

*Est miserorum, et malevolentes sint atque invideant bonis.*

PLAUTUS.

It is a miserable state to be malevolent, and to envy good men.

I SHALL publish the following letter with the same design that the Spartans exposed drunken men to the view of their children. Examples may perhaps have more advantage over precepts in teaching us to avoid what is odious, than in impelling us to pursue what is amiable. If the reader will peruse it with attention, he will, I conceive, discover in it a very useful moral; of which I shall give no farther hint, than by desiring the reader not to be offended at the contradictions that occur in it.

MR. CENSOR,

WHEN I first read the name of Axylus to a letter in your paper, though I easily perceived the writer to be a silly fellow, I little guessed who was the individual person: but in his second performance he hath been pleased to acquaint me who he is.

This fellow, Sir, you are to know, I have employed every means in my power to persecute, ever since I was acquainted with him; not because he is a fool (for I have

no fixed quarrel with so numerous a body), but because he is in reality a good man.

You will, perhaps, think this a very strange confession? and so it would be, if there was any possibility of your guessing from whom it came; but I have the satisfaction to be assured, that, though I am actually known both to you and to your friend Axylus, I shall be the last person in the world to whom either of you will impute the character I shall here lay open. I well know that I pass upon you both, and a thousand other such wise people, for one of the best and worthiest men alive; for, as a late orator at the Robinhood said, 'he had the honour to be 'an Atheist;' so I, Sir, have the honour to be a most profound hypocrite. By which means I have universally obtained a good character, and perhaps a much better than what the silly Axylus hath acquired by really deserving it; for, as Plato remarks in the second book of his republic, the just man and the unjust man are often reciprocally mistaken by mankind, and do frequently pass in the world the one for the other. The reason of which, as I take it, and as he in Plato indeed intimates, is, that the former are for the most part fools, and the latter are men of sense.

If I could so far prevail, however, as to deprive this Axylus of all the praise which he receives from his actions, and to show him in an opprobrious light to the world, I might perhaps be contented, and wish him ill no longer. And yet I am not positive that this would be the case; for what amends can it make to a man, who sees his mistress in his rival's arms, that the world in general are persuaded that he himself alone enjoys her; or could all the flattery of his courtiers, and all the Te Deums of his priests, satisfy Lewis XIV., and prevent his envying the Duke of Marlborough. I am well apprised that the reputation of goodness is all which I aim at, and

is all which a wise man would desire; notwithstanding which, I am convinced that praise sounds most harmonious to that ear where it finds an echo from within; nay, who knows the secret comforts which a good heart may dictate from within, even when all without are silent! I perceive symptoms of such inward satisfaction in Axylus, and for that reason I envy and hate him from the bottom of my soul.

You will perhaps say, why then do you not imitate him? Your servant, Sir; shall I imitate a fool because I see him happy in his folly? for folly I am convinced it is to interest yourself in the happiness, or in the concerns of others. Horace, who was a sensible writer, and knew the world, advises every man to roll himself up in himself, as a polished bowl, which admits of no rubs from without; and the old Greek, like a wise rogue, exclaims; 'When I am dead, let the earth be consumed by fire. 'It is no concern of mine; all my affairs are well 'settled.'

Here again it may be objected, why do you envy one whom you condemn as a fool? To this I own it is not easy to give an answer. In fact, nature hath moulded up with the wisest clay of man some very simple ingredients. Hence we covet those commendations which we know are seldom bestowed without a sneer, and which are annexed to characters that we despise. The truth I am afraid is, that I would willingly be this very man. That I have sometimes such a fear, I confess to you, as I think it impossible you should ever guess from whence the confession comes; for I would not, for ten thousand pounds, that any man should know I had ever such a wish; nay, I would not for an equal sum know myself that I had it.

And from this fear, this suspicion (for I once more assure you, and myself, that it is no more than a

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suspicion), I heartily detest this Axylus. For this reason, I have hitherto pursued him with the most inveterate hatred; have industriously taken every occasion to plague him, and have let slip no opportunity of ruining his reputation.

I am aware I may have let drop something which may lead you into an opinion, that I really esteem this character, which I would endeavour to persuade you I despise; but, before I finish this letter, I flatter myself I shall place this fellow in so contemptible a light, that I shall have no reason to apprehend your drawing any such conclusion.

First, notwithstanding all the secret comforts which Axylus pretends to receive from the energies of benevolence, as he calls them, I cannot persuade myself, that there is really any pleasure in a good action. I must own to you, I do not speak this absolutely on my own knowledge, for I do not remember to have done one truly good, benevolent action in my whole life. Indeed, I should heartily despise myself, if I had any such recollection.

And if there be no pleasure in goodness, I am sure there is no profit in it. This Axylus himself will, I doubt not, be ready to confess. No man hath ever made or improved, though many have injured, and some have destroyed, their fortunes this way.

In the last place, as to the motives which arise from our vanity, and which, as that very wise writer Mr. Mandevil observes, are much the strongest supports of what is generally called benevolence, I think to make the folly of doing good from such motives very plainly appear. I am far from being an enemy to praise, or from expressing that contempt for a good character, which some have affected. But, surely, it becomes a man to purchase everything as cheap as he can; now,

why should he be at the pain and expense of being good in reality, when he may so certainly obtain all the applause he aims at merely by pretending to be so.

An instance of this I give you in myself, who, without having ever done a single good action, have universally a good character; and this I have acquired by only taking upon me the trouble of supporting one constant series of hypocrisy all my days.

Axylus, on the contrary, for want of undergoing this trouble, hath missed the praises he deserves. While he carelessly doth a hundred good actions, without being at the pains of displaying them, they are all overlooked by the world; nay, often by my means (for I am always watchful on such occasions), his most disinterested benevolence is seen in a disadvantageous light; and his goodness, instead of being commended, turns to his dishonour.

An example of this I saw the other day, when you published his last letter, where all that is said of an unhappy woman, drawn in to be guilty of the highest degree of wickedness, by the most wicked and profligate of men, I am convinced flowed immediately from that compassion which is the constant energy of these good hearts. Now, Sir, even this I turned against him. I represented it as a barbarous attempt to revile the character of a man before he had undergone his trial: and can you believe it? such is the nature of man, I found some persons who could not, or would not, see the difference between concluding a person guilty who is in custody, and who is to undergo a legal disquisition into his crimes, and concluding one to be guilty of a fact, for which he hath fled from justice, and who, even by the evidence given on oath in the solemn trial of another, appears to all the world to be guilty.

But perhaps it may be said, though the world in general do not commend your actions, still you are repaid

for them sufficiently, by having the esteem, the love, the gratitude, of those to whom they are done. To this purpose I will tell you a short story, the fact is true, and happened to Mr. Axylus himself.

That silly good man had done many great services to a private family. Indeed, the very bread they eat was for a long time owing to his foolish generosity, and, at length, by his advice and assistance, this family was brought from a state of poverty and distress to what might be called affluence in their condition. I was acquainted with the whole scene, and often present at it, and, indeed, it was one of the pleasantest I ever saw; for while the good man was rejoicing in his own goodness, and feeding his foolish vanity with fond conceits of the grateful returns which were made to him in the bosoms of the obliged, they, on the other side, were continually laughing at his folly amongst themselves, and flattering their own ingenuity with their constant impositions on his good-nature, and ascribing every thing which they obtained of him to their own superior cunning and power of over-reaching him.

When I had enjoyed this scene till I was weary of it, I was resolved to work myself another satisfaction out of it, by tormenting the man I hate. I accordingly communicated the secret to Axylus, and gave him almost demonstration of the truth of what I told him. He answered with a smile, he hoped I was mistaken; but if not, he was answerable for the means only, and not for the end; and the very same day did a new favour to one of the family.

I will conclude by telling you, that it was I who sent him the trial of Miss Blandy to vex him, and I hope you will print this letter, that he may have the plague of guessing at me, for I am sure he will guess wrong; and, perhaps, may fix on one of his best friends; which will

be doing him a very great injury, and will, consequently, give great pleasure to,

Sir, yours,

IAGO.

I cannot dismiss this letter without observing, that if there be really such a person as this writer describes himself, the possession of his own bad mind is a worse curse to him than he himself will ever be able to inflict on the happy Axylus.

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## No. 23. SATURDAY, MARCH 21, 1752.

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*Οὐκ ἀγαθὸν πολυκοιρανίη· εἷς κοίρανος ἔσω,*
*Εἷς Βασιλεὺς, ᾧ ἔδωκε Κόρυς παῖς ἀγκυλομήτεω*
*Σκῆπτρόν τ' ἠδὲ Θέμιστας, ἵνα σφίσιν ἐμβασιλεύῃ.*

HOMER.

——Here is not allow'd,
That worst of tyrants, an usurping crowd.
To one sole monarch Jove commits the sway;
His are the laws, and him let all obey. POPE.

THOUGH of the three forms of government acknowledged in the schools all have been very warmly opposed, and as warmly defended; yet, in this point, the different advocates will, I believe, very readily agree, that there is not one of the three which is not greatly to be preferred to a state of total anarchy; a state in which there is no subordination, no lawful power, and no settled government; but where every man is at liberty to act in whatever manner it pleaseth him best.

As this is in reality a most deplorable state, I have long lamented, with great anguish of heart, that it is at

present the case of a very large body of people in this kingdom. An assertion which, as it may surprise most of my readers, I will make haste to explain, by declaring, that I mean the fraternity of the quill, that body of men to whom the public assign the name of authors.

However absurd politicians may have been pleased to represent the *imperium in imperio*, it will here, I doubt not, be found on a strict examination to be extremely necessary. The commonwealth of literature being, indeed, totally distinct from the greater commonwealth, and no more dependent upon it, than the kingdom of England is on that of France. Of this our literature seems to have been at all times sensible, as they have never attempted any provision for the regulation or correction of this body. In one instance, it is true, there are (I should rather, I believe, say there were) some laws to restrain them; for writers, if I am not mistaken, have been formerly punished for blasphemy against God, and libels against the government; nay, I have been told, that to slander the reputation of private persons was once thought unlawful here as well as among the Romans, who, as Horace tells us, had a severe law for this purpose.

In promulgating these laws (whatever may be the reason of suffering them to grow obsolete) the state seems to have acted very wisely; as such kind of writings are really of most mischievous consequence to the public; but alas! there are many abuses, many horrid evils, daily springing up in the commonwealth of literature, which appear to affect only that commonwealth, at least immediately, of which none of the political legislators have ever taken any notice; nor hath any civil court of judicature ever pretended to any cognizance of them. Nonsense and dulness are no crimes in *foro civili*: No man can be questioned for

bad verses in Westminster-hall; and amongst the many indictments for battery, not one can be produced for breaking poor Priscian's head, though it is done almost every day.

But though immediately, as I have said, these evils do not affect the greater commonwealth; yet as they tend to the utter ruin of the lesser, so they have a remote evil consequence, even on the state itself; which seems, by having left them unprovided for, to have remitted them, for the sake of convenience, to the government of laws, and to the superintendence of magistrates of this lesser commonwealth; and never to have foreseen or suspected that dreadful state of anarchy, which at present prevails in this lesser empire; an empire which hath formerly made so great a figure in this kingdom, and that, indeed, almost within our own memories.

It may appear strange, that none of our English historians have spoken clearly and distinctly of this lesser empire; but this may be well accounted for, when we consider that all these histories have been written by two sorts of persons; that is to say, either politicians or lawyers. Now the former of these have had their imaginations so entirely filled with the affairs of the greater empire, that it is no wonder the business of the lesser should have totally escaped their observation. And as to the lawyers, they are well known to have been very little acquainted with the commonwealth of literature, and to have always acted and written in defiance to its laws.

From these reasons it is very difficult to fix, with certainty, the exact period when this commonwealth first began among us. Indeed, if the originals of all the greater empires upon earth, and even of our own, be wrapped in such security that they elude the inquiries

of the most diligent sifters of antiquity, we cannot be surprised that this fate should attend our little empire, opposed as it hath been by the pen of the lawyer, overlooked by the eye of the historian, and never once smelt after by the nose of the antiquary.

In the earliest ages, the literary state seems to have been an ecclesiastical democracy; for the clergy are then said to have had all the learning among them; and the great reverence paid at that time to it by the laity appears from hence, that whoever could prove in a court of justice that he belonged to this state, by only reading a single verse in the Testament, was vested with the highest privileges, and might do almost what he pleased; even commit murder with impunity. And this privilege was called the benefit of the clergy.

This commonwealth, however, can scarce be said to have been in any flourishing state of old time, even among the clergy themselves; inasmuch as we are told, that a rector of a parish going to law with his parishioners, about paving the church, quoted this authority from St. Peter, *Paveant illi, non paveam ego.* Which he construed thus: 'They are to pave the church, and 'not I.' And this by a judge, who was likewise an ecclesiastic, was allowed to be very good law.

The nobility had clearly no ancient connection with this commonwealth, nor would submit to be bound by any of its laws, witness that provision in an old act of parliament: 'That a nobleman shall be entitled to the 'benefit of his clergy (the privilege above-mentioned) 'even though he cannot read.' Nay, the whole body of the laity, though they gave such honours to this commonwealth, appear to have been very few of them under its jurisdiction; as appears by a law cited by Judge Rolls in his Abridgment, with the reason which he gives for it: 'The command of the sheriff,' says this

writer, 'to his officer, by word of mouth, and without 'writing, is good; for it may be, that neither the 'sheriff nor his officer can write or read.'

But not to dwell on these obscure times, when so very little authentic can be found concerning this commonwealth, let us come at once to the days of Henry VIII., when no less a revolution happened in the lesser than in the greater empire; for the literary government became absolute, together with the political, in the hands of one and the same monarch; who was himself a writer, and dictated, not only law, but common sense too, to all his people; suffering no one to write or speak, but according to his own will and pleasure.

After this king's demise, the literary commonwealth was again separated from the political; for I do not find that his successor on the greater throne succeeded him likewise in the lesser. Nor did either of the two queens, as I can learn, pretend to any authority in this empire, in which the Salique law hath universally prevailed; for though there have been some considerable subjects of the female sex in the literary commonwealth, I never remember to have read of a queen.

It is not easy to say with any great exactness, what form of government was preserved in this commonwealth, during the reigns of Edward VI., queen Mary, and queen Elizabeth; for though there were some great men in those times, none of them seemed to have affected the throne of wit: Nay, Shakspeare, who flourished in the latter end of the last reign, and who seemed so justly qualified to enjoy this crown, never thought of challenging it.

In the reign of James I. the literary government was an aristocracy, for I do not choose to give it the evil name of oligarchy, though it consisted only of four, namely, Master William Shakspeare, Master Benjamin

Jonson, Master John Fletcher, and Master Francis Beaumont. This quadrumvirate, as they introduced a new form of government, thought proper, according to Machiavel's advice, to introduce new names; they therefore called themselves *The Wits*, a name which hath been affected since by the reigning monarchs in this empire.

The last of this quadrumvirate enjoyed the government alone, during his life; after which the troubles that shortly after ensued, involved this lesser commonwealth in all the confusion and ruin of the greater, nor can any thing be found of it with sufficient certainty, till the *Wits*, in the reign of Charles II., after many struggles among themselves for superiority, at last agreed to elect John Dryden to be their king.

This king John had a very long reign, though a very unquiet one; for there were several pretenders to the throne of wit in his time, who formed very considerable parties against him, and gave him great uneasiness, of which his successor hath made mention in the following lines:

> Pride, folly, malice, against Dryden rose,
> In various shapes of parsons, critics, beaus.

Besides which, his finances were in such disorder, that it is affirmed, his treasury was more than once entirely empty.

He died, nevertheless, in a good old age, possessed of the kingdom of wit, and was succeeded by king Alexander, surnamed Pope.

This prince enjoyed the crown many years, and is thought to have stretched the prerogative much farther than his predecessor: he is said to have been extremely jealous of the affections of his subjects, and to have employed various spies, by whom, if he was informed of

the least suggestion against his title, he never failed of branding the accused person with the word *dunce* on his forehead in broad letters; after which the unhappy culprit was obliged to lay by his pen for ever; for no bookseller would venture to print a word that he wrote.

He did indeed put a total restraint on the liberty of the press; for no person durst read any thing which was writ without his licence and approbation; and this licence he granted only to four during his reign, namely, to the celebrated Dr. Swift, to the ingenious Dr. Young, to Dr. Arbuthnot, and to one Mr. Gay, four of his principal courtiers and favourites.

But without diving any deeper into his character, we must allow that king Alexander had great merit as a writer, and his title to the kingdom of wit was better founded at least than his enemies have pretended.

After the demise of king Alexander, the literary state relapsed again into democracy, or rather indeed, into downright anarchy; of which, as well as of the consequences, I shall treat in a future paper.

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## No. 24. TUESDAY, March 24, 1752.

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*Nimirum sapere est abjectis utile nugis,*
*Et tempestivum pueris concedere ludum.* Hor.

Trifling pursuits true wisdom casts away;
And leaves to children all their childish play.

The mind of man is compared by Montaigne to a fertile field, which, though it be left entirely uncultivated, still retains all its genial powers; but instead of producing

any thing lovely or profitable, sends forth only weeds and wild herbs of various kinds, which serve to no use or emolument whatsoever.

The human mind is, indeed, of too active a nature to content itself with a state of perfect rest or sloth. There are few men such arrant stocks or stones as to be always satisfied with idleness, or to come up to that description in Lucretius:

> *Mortua cui vita est prope jam vivo, atque videnti,*
> *Qui somno partem majorem conterit ævi,*
> *Et vigilans stertit.*

St. Paul describes these men better, when, writing to the Thessalonians, he says, some of them are μηδὲν ἐργαζόμενοι, ἀλλὰ περιεργαζόμενοι: 'Doing no work, but 'busying themselves in impertinence.' Or, as the Latin author expresses the same sentiment: *Gratis anhelans, multa agendo nihil agens:* 'Puffing and sweating to no 'purpose; employed about many things, and doing 'nothing.'

The original of diversions is certainly owing to this active temper; for to what purpose were they calculated, but as the very word in our language implies, to cast off idleness? than which, to the generality of mankind, there is not, I believe, a much heavier burthen.

But if we look a little deeper into this matter, we shall find, that there is implanted in our nature a great love of business, and an equal abhorrence of idleness. This discovers itself very early in children; most of whom, as I have observed, are never better pleased than when they are employed by their elders.

The same disposition we may perceive in men, in those particularly to whom fortune hath made business unnecessary, and whom nature very plainly appears never to have designed for any. And yet, how common is it to see these men playing at business, if I may use the

expression, and pleasing themselves all their lives with the imagination that they are not idle?

From this busy temper may be derived almost all the works with which great men have obliged the world. Hence it was that the great artifex, Nero, arrived at so great skill, as he himself tells us he did, in music; to which he applied with such unwearied industry on the stage, that several persons counterfeited death, in order to be carried out of the theatre from hearing him; for it would have been very unsafe for the *town* of Rome to damn his performances.

If Domitian had not been of a busy, as well as a cruel temper, he would never have employed so many hours in the ingenious employment of fly-spitting, which he is supposed to have brought to the highest degree of perfection of which the art is capable. Hence it is, so many industrious critics have spent their lives in all such reading as was never read, as Mr. Pope hath it; witness the laborious and all-read Dr. Zachary Grey, who, to compile those wonderful notes to his Hudibras, must have ransacked not only all the stalls, but all the trunks and bandboxes in the world.

Didymus, the grammarian, was another labourer of this kind. Seneca tells us, 'that he writ four thousand 'books; in some of which he inquires into the country 'of Homer; in others, who was the true mother of 'Æneas; whether Anacreon loved wenching or drink-'ing most; whether Sappho was a common prostitute;' with other such learning, with which, if you had already stuffed your head, your study ought to be, how to get it out again.

Tiberius, wise as he was in policy, had a great inclination to this kind of knowledge. 'He pursued it,' says Suetonius, '*usque ad ineptias et derisum*, &c. to a degree 'of folly and ridicule; for he used to ask the gram-

'marians, of whose company he was very fond, such 'kind of questions as these: Who was the mother of 'Hecuba? By what name Achilles passed among the 'daughters of Lycomedes? What songs the Syrens used 'to sing? &c.'

Cardinal Chigi, who was afterwards Pope Alexander VII., was a genius of this kind. He proclaimed a public prize for that learned man who could find a Latin word for the word Chaise. He likewise spent seven or eight days in searching whether Musca, a fly, came from Mosco, or Mosco from Musca. De Retz, from whose memoirs I have taken this story, says, That he had formerly discovered that the cardinal was *Homme de minutiis;* for that the said cardinal, in a discourse on the studies of his youth, had told De Retz, that he had writ two years with the same pen.

I cannot omit the excellent remark of my author, though not to my present purpose. 'It is true,' says he, 'this is but a trifle; but I have often observed, that little 'things afford us truer symptoms of the dispositions of 'men, than great ones.'

What, but the utmost impatience of idleness, could prompt men to employ great pains and trouble, and expense too, in making large collections of butterflies, pebbles, and such other wonderful productions; while others, from the same impatience, have been no less busy in hunting after monsters of every kind, as if they were at enmity with Nature, and desirous of exposing all her errors.

The Greeks have a word for this industry. They call it Κενοσπεδία: and oftener Πολυπραγμοσύνη. Neither of which words I can translate without a periphrasis. By both is meant a vain curiosity and diligence in trifles.

I make no doubt, but that the same industry would often make a man of a moderate capacity a very com-

petent master of some notable science, which hath made him a proficient in some contemptible art, or rather knack. The dexterous juggler might have made a complete mechanic. The same labour, and, perhaps, the same genius, which brings a man to a perfection at the game of chess, would make a great proficiency in the mathematics. Many a beau might have been a scholar, if he had consulted books with the same attention with which he hath consulted a looking-glass; and many a fox-hunter might, to his great honour, have pursued the enemies of his country with less labour and with less danger than he hath encountered in the pursuit of foxes.

I am almost inclined to think, that if a complete history could be compiled of the eminent works of the Κενόσπσδοι, the triflers, it would manifestly appear, that more labour and pains, more time (I had almost said, more genius) have been employed in the service of folly, than have been employed by the greatest men in inventing and perfecting the most erudite and consummate works of art or wisdom.

I will conclude this paper with a passage from the excellent and truly learned Doctor Barrow, which gives a very serious, but very just turn to this subject.

'*Aliud agere*, to be impertinently busy, doing that 'which conduceth to no good purpose, is in some respect 'worse than to do nothing, or to forbear all action; for it 'is a positive abuse of our faculties, and trifling with 'God's gifts; it is throwing away labour and care, 'things valuable in themselves; it is often a running 'out of the way, which is worse than standing still; it 'is a debasing our reason, and declining from our man-'hood; nothing being more foolish or childish than to 'be solicitous or serious about trifles; for who are more 'busy and active than children? Who are fuller of 'thoughts and designs, or more eager in prosecution of

'them than they? But all is about ridiculous toys,
'the shadows of business, suggested to them by apish
'curiosity and imitation. Of such industry we may
'understand that of the preacher, "The labour of the
'"foolish wearieth every one of them;" for that a man
'soon will be weary of that labour which yieldeth no
'profit or beneficial return.'

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## No. 33. SATURDAY, April 23, 1752.

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*Odi profanum vulgus.* Hor.

I hate profane rascals.

Sir,

In this very learned and enlightened age, in which authors are almost as numerous as booksellers, I doubt not but your correspondents furnish you with a sufficient quantity of waste paper. I perhaps may add to the heap; for, as men do not always know the motive of their own actions, I may possibly be induced, by the same sort of vanity as other puny authors have been, to desire to be in print. But I am very well satisfied with you for my judge, and, if you should not think proper to take any notice of the hint I have here sent you, I shall conclude, that I am an impertinent correspondent, but that you are a judicious and impartial critic. In my own defence, however, I must say, that I am never better pleased than when I see extraordinary abilities employed in the support of His honour and religion, who has so bountifully bestowed them. It is for this reason that I

wish you would take some notice of the character, or rather story, here sent you. In my travels westward last summer I lay at an inn in Somersetshire, remarkable for its pleasant situation, and the obliging behaviour of the landlord, who, though a downright rustic, had an awkward sort of politeness, arising from his good-nature, that was very pleasing, and, if I may be allowed the expression, was a sort of good-breeding undressed. As I intended to make a pretty long journey the next day I rose time enough to behold that glorious luminary the sun set out on his course, which, by the bye, is one of the finest sights the eye can behold; and as it is a thing seldom seen by people of fashion, unless it be at the theatre at Covent-Garden, I could not help laying some stress upon it here. The kitchen in this inn was a very pleasant room; I therefore called for some tea, sat me in the window, that I might enjoy the prospect which the country afforded, and a more beautiful one is not in the power of imagination to frame. This house was situated on the top of a hill; and for two miles below its meadows, enlivened with variety of cattle, and adorned with a greater variety of flowers, first caught my sight. At the bottom of this vale ran a river, which seemed to promise coolness and refreshment to the thirsty cattle. The eye was next presented with fields of corn that made a kind of an ascent, which was terminated by a wood, at the top of which appeared a verdant hill, situate as it were in the clouds, where the sun was just arrived, and peeping o'er the summit, which was at this time covered with dew, gilded it over with his rays, and terminated my view in the most agreeable manner in the world. In a word, the elegant simplicity of every object round me, filled my heart with such gratitude, and furnished my mind with such pleasing meditations, as made me thank Heaven I was born. But this state of joyous tranquillity

was not of long duration: I had scarce begun my breakfast, when my ears were saluted with a genteel whistle, and the noise of a pair of slippers descending the staircase; and soon after I beheld a contrast to my former prospect, being a very beauish gentleman, with a huge laced hat on, as big as Pistol's in the play; a wig somewhat dishevelled, and a face which at once gave you a perfect idea of emptiness, assurance, and intemperance. His eyes, which before were scarce open, he fixed on me with a stare, which testified surprise, and his coat was immediately thrown open to display a very handsome second-hand gold-laced waistcoat. In one hand, he had a pair of saddle-bags, and in the other a hanger of mighty size, both of which, with a graceful G—d d—n you, he placed upon a chair. Then advancing towards the landlord, who was standing by me, he said, 'By 'G—d, landlord, your wine is damnable strong.' 'I 'don't know,' replied the landlord; 'it is generally 'reckoned pretty good, for I have it all from London.' 'Pray, who is your wine-merchant?' says the man of importance. 'A very great man,' says the landlord, 'in his way; perhaps you may know him, Sir; his 'name is Kirby.' 'Ah! what honest Tom; he and I 'have cracked many a bottle of claret together; he is 'one of the most considerable merchants in the city; the 'dog is hellish poor, damnable poor; for I don't suppose 'he is worth a farthing more than a hundred thousand 'pound; only a plum, that's all; he is to be our lord-'mayor next year.' 'I ask pardon, Sir, that is not the 'man, for our Mr. Kirby's name is not Thomas, but 'Richard.' 'Ay!' says the gentleman, 'that's his 'brother; they are partners together.' 'I believe,' says the landlord, 'you are out, Sir, for that gentleman has no 'brother.' 'D—n your nonsense, with you and your outs,' says the beau, 'as if I should not know better than you

'country puts; I who have lived in London all my life-'time.' 'I ask a thousand pardons,' says the landlord, 'I 'hope no offence, Sir.' 'No, no,' cries the other, 'we gen-'tlemen know how to make allowance for your country-'breeding.' Then stepping to the kitchen-door, with an audible voice he called the ostler, and in a very graceful accent, said, 'D—n your blood, you cock-ey'd son of a 'bitch, bring me my boots; did not you hear me call?' Then turning to the landlord, said, 'Faith! that Mr. What 'de-callum, the exciseman, is a damn'd jolly follow.' 'Yes, Sir,' says the landlord, 'he is a merryish sort of a 'man.' 'But,' says the gentleman, 'as for that school-'master, he is the queerest bitch I ever saw; he looks 'as if he could not say boh to a goose.' 'I don't know, 'Sir,' says the landlord, 'he is reckoned to be a desperate 'good scollard about us, and the gentry likes him vastly, 'for he understands the measurement of land and timber, 'knows how to make dials and such things; and for 'cyphering, few can out-do'en.' 'Ay!' says the gentle-man, 'he does look like a cypher indeed; for he did 'not speak three words all last night.' The ostler now produced the boots, which the gentleman taking in his hand, and having placed himself in the chair, ad-dressed in the following speech: 'My good friend, Mr. 'Boots, I tell you plainly, that if you plague me so 'damnably as you did yesterday morning, by G— I'll 'commit you to the flames; stap my vituals, as my Lord 'Huntingdon says in the play:' he then looked full in my face, and asked the landlord, if he had ever been at Drury-Lane play-house? which he answered in the nega-tive. 'What,' says he, 'did you never hear talk of Mr. 'Garrick and King Richard?' 'No, Sir,' says the land-lord. 'By G—,' says the gentleman, 'he is the cleverest 'fellow in England;' he then spouted a speech out of King Richard, which begins, Give me an horse, &c.

'There,' says he, 'that, that is just like Mr. Garrick.' Having pleased himself vastly with this performance, he shook the landlord by the hand with great good-humour, and said, 'By G— you seem to be an honest fellow, 'and good blood; if you'll come and see me in London, 'I'll give you your skinful of wine, and treat you with 'a play and a whore every night you stay. I'll shew you 'how it is to live, my boy. But here, bring me some 'paper, my girl; come, let us have one of your love-letters 'to air my boots.' Upon which, the landlord presented him with a piece of an old newspaper. 'D—n you,' says the gent, 'this is not half enough; have you never a 'Bible or Common Prayer Book in the house? Half a 'dozen chapters of Genesis, with a few prayers, make an 'excellent fire in a pair of boots.' 'Oh! Lord forgive 'you,' says the lordlord, 'sure you would not burn such 'books as those.' 'No!' cries the spark, 'where was 'you born? go into a shop of London, and buy some 'butter or a quartern of tea, and then you'll see what 'use is made of these books.' 'Ay!' says the landlord, 'we have a saying here in our country, that 'tis as sure 'as the devil is in London, and if he was not there, 'they could not be so wicked as they be.' Here a country fellow who had been standing up in one corner of the kitchen, eating of cold bacon and beans, and who, I observed, trembled at every oath this spark swore, took his dish and pot, and marched out of the kitchen, fearing, as I afterwards learned, that the house would fall down about his ears, for he was sure, he said, 'That 'man in the gold-laced hat was the devil.' The young spark, having now displayed all his wit and humour, and exerted his talents to the utmost, thought he had sufficiently recommended himself to my favour, and convinced me he was a gentleman. He therefore with an air addressed himself to me, and asked me, which way

I was travelling? To which I gave him no answer. He then exalted his voice: but at my continuing silent, he asked the landlord if I was deaf? Upon which, the landlord told him, he did not believe the gentleman was dunch, for that he talked very well just now. The man of wit whispered in the landlord's ear, and said, 'I suppose 'he is either a parson or a fool.' He then drank a dram, observing that a man should not cool too fast; paid sixpence more than his reckoning, called for his horse, gave the ostler a shilling, and galloped out of the inn, thoroughly satisfied that we all agreed with him in thinking him a clever fellow, and a man of great importance. The landlord smiling, took up his money, and said he was a comical gentleman, but that it was a thousand pities he swore so much; if it was not for that, he was a very good customer, and as generous as a prince, for that the night before, he had treated every body in the house. I then asked him, if he knew that comical gentleman, as he called him? 'No, really, Sir,' said the landlord, 'though a gentleman was saying last 'night, that he was a sort of rider, or rideout, to a linen-draper at London.' This, Mr. Censor, I have since found to be true; for having occasion to buy some cloth, I went last week into a linen-draper's shop, in which I found a young fellow, whose decent behaviour, and plain dress, shewed he was a tradesman. Upon looking full in his face, I thought I had seen it before, nor was it long before I recollected where it was, and that this was the same beau I had met with in Somersetshire. The difference in the same man in London, where he was known, and in the country where he was a stranger, was beyond expression; and was it not impertinent to make observations to you, I could enlarge upon this sort of behaviour; for I am firmly of opinion, that there is neither spirit nor good sense in oaths, nor any

wit or humour in blasphemy. But as vulgar errors require an abler pen than mine to correct them, I shall leave that task to you, and am, Sir,

Your humble servant,

R. S.

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## No. 34. TUESDAY, April 28, 1752.

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*Natio comœda est.* Juvenal.

We are a nation of players.

It is the advice of Solomon, to train up a child in the way he shall go; and this, in the opinion of Quintilian, can never be undertaken too early. He, indeed, begins his institution even with the very nurse.

The wise man here very plainly supposes a previous determination in the parent in what way he intends his child shall go; for, without having fixed this with certainty, it will be impossible for any man to fulfil the precept.

Now all the ways of life in which, in this country, men walk themselves, and in which they so manifestly intend to train their children, seem to me to be reducible to two; viz. the way of spending an estate, and the way of getting one. These may, indeed, in this sense, be called the two great high roads in this kingdom.

As to the former, it is much the less beaten and frequented track, as it requires a certain viaticum obvious to the reader, which is not in the possession of every one;

in this way, therefore, the eldest sons of great families and heirs of great estates, can only be trained. The methods of training here, are no more than twofold, both very easy and apposite; it is therefore no wonder that they are both pursued with very little deviation by almost every parent. The one, which is universally practised in the country, contains very few rules, and these extremely simple; such as drinking, racing, cock-fighting, hunting, with other rural exercises. The other, which is proper to the town, and, indeed, to the higher people, is somewhat more complex. This includes dancing, fencing, whoring, gaming, travelling, dressing, French connoisseurship, and perhaps two or three other less material articles.

But the great and difficult point is that of training youth in the other great road, namely in the way to get an estate. Here, as in our journey over vast and wide plains, the many different tracks are apt to beget uncertainty and confusion, and we are often extremely puzzled which of these to choose for ourselves, and which to recommend to our children.

The most beaten tracks in this road are those of the professions, such as the church, the law, the army, &c. In some one of these, the younger children of the nobility and gentry have usually been trained, often with very ill success; arising sometimes from a partial opinion of the talents of the child, and more often from flattering ourselves with hopes of more interest with the great than we have really had.

To all these professions many things may be objected, as we shall presently see, when we compare them with a path in life, which I am about to recommend to my reader, and which we shall find clear from most of the objections that may be raised against any other.

Without farther preface, the way of life which I mean

to recommend, is that of the stage, in which I shall hope for the future to see several of our young nobility and gentry trained up, and particularly those of the most promising parts.

In the first place then, the stage at present promises a much better provision than any of the professions; for though perhaps it is true that there are in the church, the law, the state, the army, &c. some few posts which yield the professors greater profit than is to be acquired on the stage: yet these bear no proportion to the infinite numbers who are trained in the several professions, and who almost literally starve. The income of an actor of any rank, is from six to twelve hundred a year; whereas, that of two-thirds of the gentlemen of the army is considerably under one hundred; the income of nine-tenths of the clergy is less than fifty pounds a year; and the profits in the law, to ninety-nine in a hundred, amount not to a single shilling.

And as for those few posts of great emolument, upon which we all cast our eyes, as the adventurers in a lottery do on the few great prizes, if we impartially examine our own abilities, how few of us shall dare to aspire so high? whereas on the stage, scarce any abilities are required, and we see men, whom nobody allows to deserve the name of actors, enjoying salaries of three, four, and five hundred a year.

Again, if we consider the great pains and time, the head-aches, and the heart-aches, which lead up to the top of either the army or the law:

*Qui studet optatam cursu contingere metam,*
*Multa tulit, fecitque puer:*

This consideration will sufficiently discourage our attempts, especially when, on the other hand, we may on the stage leap all at once into eminence; and if we

expect no more than four or five hundred pounds for the first year of our acting, our demands will be thought modest.

And farther, in any of the professions, all our abilities will be thrown away, and all our time and labour lost, unless we have other ingredients to recommend us. Unless we have some powerful friend or relation, or some beautiful wife or sister, we shall never procure an opportunity of shewing the world what we are; whereas to the stage no interest is necessary to introduce you. The publishing the name of a gentleman who never acted before in the play-bills, will fill the house as surely as if he proposed to get into a bottle, and no manager is ashamed of putting you at first into any of his principal parts.

And if we view this in the light of ambition, the stage will have no less advantage over the professions. To personate a great character three hours in the twenty-four, is a matter of more consequence than it is generally esteemed. The world itself is commonly called a stage; and in the eye of the greatest philosophers, the actions in both appear to be equally real, and of equal consequence. Where then is the mighty difference between personating a great man on the great theatre, or on the less? In both cases we often assume that character when it doth not really belong to us, and a very indifferent player acts it sometimes better than his right honourable brother, and with ten thousand times the applause.

It was not therefore without reason that our worthy Laureat, in the excellent apology for his life, gave thanks to Providence that he did not in his youth betake himself either to the gown or the sword. Wise, indeed, as well as happy was his choice, as many of his contemporaries, whose ill stars led them to the way of those professions, had the question been put to them

on their death-bed, must have acknowledged. How many of these his contemporaries who have professed the laws or religion of their country; how many others who have fought its battles, after an obscure and wretched life of want and misery, have bequeathed their families to the stalls and the streets?

That the reverse hath been the fate of this gentleman I need not mention, and am pleased to think. And yet in the days of his acting, nothing like to the present encouragement was given on the stage. Mrs. Oldfield herself (as I have been informed) had not half the theatrical income of our present principal actresses. To what greater height it may rise I know not; but from the present flourishing condition of the stage, and from the proportionable decline of the learned professions, I think it may be prophesied, that it will be as common hereafter to say, that such a particular estate was got by the stage, as it was formerly to see great houses rise by the law.

## No. 35. SATURDAY, May 2, 1752.

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*Ἀπόλοιτο πρῶτος αὐτὸς*
*Ὁ τὸν ἄργυρον φιλήσας.*
*Διὰ τοῦτον ἐκ ἀδελφὸς,*
*Διὰ τοῦτον ἑ τοκῆες'*
*Πόλεμοι, φόνοι δι' αὐτόν.* ANACREON.

[See the translation afterwards.]

TO SIR ALEXANDER DRAWCANSIR.

Bedlam, *April* 1, 1752.

SIR,

I MAKE no question but before you have read half through my letter you will be surprised at its being dated as above; and may perhaps agree with the conclusion which I have made long ago, that this place is set apart by the English for the confinement of all those who have more sense than the rest of their countrymen.

However that be, I shall begin by telling you very bluntly, that if you really intend to bring about any reformation in this kingdom, you will certainly miss your end, and for this simple reason, because you are absolutely mistaken in the means.

Physicians affirm, that before any vicious habits can be repaired in the natural constitution, it is necessary to know and to remove their cause. The same holds true in the political. Without this, in both instances we may possibly patch up and palliate, but never can effectually cure.

Now, Sir, give me leave to say, you do not appear

to me to have in the least guessed at the true source of all our political evils, neither do you seem to be in any likelihood of ever acquiring even a glimpse of any such knowledge. It is no wonder, therefore, that, instead of pursuing the true method of cure, you should more than once, in the course of your lucubrations, have thrown out hints which would actually tend to heighten the disease.

Know then, Sir, that it is I alone who have penetrated to the very bottom of all the evil. With infinite pains and study I have discovered the certain cause of all that national corruption, luxury, and immorality, which have polluted our morals; and of consequence it is I alone who am capable of prescribing the cure.

But when I lay this sole claim to such discovery, I would be understood to have respect only to the moderns. To the philosophers among the ancients, and to some of their poets, I am well apprised that this invaluable secret was well known, as I could prove by numberless quotations. It occurs, indeed, so very often in their works, that I am not a little surprised how it came to escape the observation of a gentleman who seems to have been so conversant with those illustrious lamps of real knowledge and learning.

Without farther preface then, what is the true fountain of that complication of political diseases which infests this nation, but money? Money! which, as the Greek poet says in my motto, 'May he perish that first 'invented; for this it is which destroys the relation of 'brother and of parent, and which introduces wars and 'every kind of bloodshed into the world.'

If this be granted, as it surely must, where is the remedy? Is it not to remove the fatal cause, by extirpating this poisonous metal, this Pandora's box, out of the nation.

But though the advantages arising from this abolition, are, in my opinion, extremely self-evident; yet as they may possibly not strike with equal force upon the minds of others, since no man hath in my memory given the least obscure hint of such a project, I shall mention some few of the greatest; and to avoid a common place of those authors I have above mentioned, I shall confine myself to such instances as particularly affect this country.

First then, it would effectually put an end to all that corruption which every man almost complains of, and of which every man almost partakes; for by these means those contentions which have begun and continued this corruption, and which always will continue it, will immediately subside. The struggle will be then, not who shall serve their country in great and difficult posts and employments; but who shall be excused from serving it; and the people being left to themselves, will always fix upon the most capable, who, by the fundamental laws of our constitution, will be compelled to enter into their service. Thus a certain method called election, which is of very singular use in a nation of freedom, will be again revived; otherwise it may possibly sink only to a name.

For though I admit it possible, that bare ambition may incite some persons to attempt employments for which they are utterly unfit, yet the very powers of bribery would be thus taken away, or would be rendered so public, that it would then be easily within the power of the law to suppress it; for no man could distribute a herd of cattle, or a flock of sheep in private.

Secondly, this method would effectually put a stop to luxury, or would reduce it to that which was the luxury of our ancestors, and which may more properly be called hospitality.

Thirdly, it would be of the highest advantage to trade,

for it would prevent our dealing any longer with those blood-sucking nations, who take not our own commodities in barter for theirs. This kind of traffic, I might perhaps be expected to speak more favourably of, as it so plainly tends to remove the evil of which I complain, and in process of time would possibly effect that excellent purpose. But I must observe, that however advantageous the end may be, the means are not so adviseable; nay, if we suffer any money to remain among us, I think there may be good reasons shewed, why we should retain as much as we can. It is often, indeed, mischievous to do that by halves, which it would be highly useful to do effectually; for this must certainly be allowed, that, while money is permitted to be the representative of all things, as it is at present, none but a nation of idiots would constantly put it into the hands of their enemies.

Fourthly, it would restore certain excellent things, such as piety, virtue, honour, goodness, learning, &c. all which are totally abolished by money, or so counterfeited by it, that no one can tell the true from the false; the word rich, indeed, is at present considered to signify them all; but of this enough may be found in the old philosophers and poets, whom I have before mentioned.

Again, how desirous would the lawyers be to put a speedy end to a suit, or the physical people to a disease, if once my scheme should take place? It may be said, indeed, that they would then carry away men's goods and chattels, as they do now from those who have no money; but I answer, that this is done in order to convert them into money; for otherwise they would hardly admit the ragged and lousy bed of a poor wretch into their houses.

For the same reason my scheme would effectually put an end to all robberies; a matter which seems so much

to puzzle the legislature; for though our goods are sometimes stolen as well as our money, yet the former are only taken in order to convert them into the latter. It is not the use, but the value of a watch, snuff-box, or ring, that is considered by the robber, who always thinks with Hudibras,

> What is the worth of any thing,
> But so much money as t'will bring?

I shall add but one particular more; which is, that my scheme would most certainly provide for the poor, and that by an infallible (perhaps the only infallible) method, by removing the rich. Where there are no rich, there will of consequence be found no poor? for Providence hath in a wonderful manner provided in every country a plentiful subsistence for all its inhabitants; and where none abound, none can want.

Having long meditated on this excellent scheme, so long that, if you will believe some people, I have cracked my brain, I was resolved to acquit myself, and to shew by way of example, how fully I was convinced of the truth of my principles. I therefore converted an estate of three hundred pounds a year into money; of this I put a competent sum in my pocket, and took my next heir with me upon the Thames, where I began to unload my pockets into the water. But I had scarce discharged three handfuls, before my heir seized me, and with the assistance of the waterman, conveyed me back to shore. I was for a day secured in an apartment of my own house; and thence the next morning by a conspiracy among my relations, brought hither, where I am like to remain, till the rest of mankind return to their senses.

I am, Sir,

Your most obedient servant,

MISARGURUS.

## No. 37. SATURDAY, May 9, 1752.

*Scilicet in vulgus manent exempla regentum.* CLAUDIAN.

*The creatures* will endeavour to ape their betters.

THERE are many phrases that custom renders familiar to our ears, which, when looked into, and closely examined, will appear extremely strange, and of which it must greatly puzzle a very learned etymologist to account for the original.

Of this sort is the term, *People of Fashion.* An expression of such very common use, and so universally understood, that it is entirely needless to set down here what is meant by it; but how it first acquired its present meaning, and became a title of honour and distinction, is a point, I apprehend, of no small difficulty to determine.

I have on this occasion consulted several of my friends who are well skilled in etymology. One of these traces the word Fashion through the French language up to the Latin. He brings it from the verb *facio*, which, among other things, signifies *to do.* Hence he supposes *People of Fashion*, according to the old derivation of *lucus à non lucendo*, to be spoken of those who do nothing. But this is too general, and would include all the beggars in the nation.

Another carries the original no farther than the French word *Façon*, which is often used to signify affectation. This likewise will extend too far, and will comprehend attornies' clerks, apprentices, milliners, mantua-makers, and an infinite number of the lower people.

A third will bring fashion from Φάσις. This in the genitive plural makes Φάσεων, which in English is the very word. According to him, by People of Fashion, are meant people whose essence consisteth in appearances, and who, while they seem to be something, are really nothing.

But though I am well apprised that much may be said to support this derivation, there is a fourth opinion, which, to speak in the proper language, hath yet a more smiling aspect. This supposes the word Fashion to be a corruption from Fascination, and that these people were formerly believed by the vulgar to be a kind of conjurors, and to possess a species of the black art.

In support of this opinion, my friend urges the use which these people have always made of the word Circle, and the pretence to be inclosed in a certain circle, like so many conjurors, and by such means to keep the vulgar at a distance from them.

To this purpose likewise he quotes the phrases, a polite circle, the circle of one's acquaintance, people that live within a certain circle, and many others. From all which he infers, that in those dark and ignorant ages, when conjurors were held in more estimation than they are at present, the credulous vulgar believed these people to be of the number, and consequently called them *People of Fascination*, which hath been since corrupted into *People of Fashion.*

However whimsical this opinion may seem, or however far-fetched the derivation may sound to those who have not much considered the barbarous corruption of language, I must observe in its favour, how difficult it is, by any other method, to account not only for that odd phrase, People of Fashion; but likewise for that circle within which those people have always affected to live.

Even now, when conjurors have been long laughed

out of the world, the pretence to the circle is nevertheless maintained, and within the circle the People of Fascination do actually insist upon living at this day.

It is moreover extremely pleasant to observe what wonderful care these people take to preserve their circle safe and inviolate, and with how jealous an eye they guard against any intrusion of those whom they are pleased to call the vulgar; who are on the other hand as vigilant to watch, and as active to improve every opportunity of invading this circle, and breaking into it.

Within the memory of many now living, the circle of the People of Fascination included the whole parish of Covent Garden, and great part of St. Giles's in the Fields; but here the enemy broke in, and the circle was presently contracted to Leicester-Fields, and Golden-Square. Hence the People of Fashion again retreated before the foe to Hanover-Square; whence they were once more driven to Grosvenor-Square, and even beyond it, and that with such precipitation, that, had they not been stopped by the walls of Hyde-Park, it is more than probable they would by this time have arrived at Kensington.

In many other instances we may remark the same flight of these people, and the same pursuit of their enemies. They first contrived a certain vehicle called a hackney-coach, to avoid the approach of the foe in the open streets. Hence they were soon routed, and obliged to take shelter in coaches of their own. Nor did this protect them long. The enemy likewise in great numbers mounted into the same armed vehicles.* The People of Fascination then betook themselves to chairs; in which their exempt privileges being again invaded, I am informed that several ladies of quality

* Rather coat of arms.

have bespoke a kind of couch somewhat like the Lectica of the Romans; in which they are next winter to be carried through the streets upon men's shoulders.

The reader will be pleased to observe, that, besides the local circle which I have described above, there is an imaginary or figurative one, which is invaded by every imitation of the vulgar.

Thus those People of Fascination, or, if they like it better, of Fashion, who found it convenient to remain still in coaches, observing that several of the enemy had lately exhibited arms on their vehicles, by which means those ornaments became vulgar and common, immediately ordered their own arms to be blotted out, and a cypher substituted in their room; perhaps cunningly contrived to represent themselves instead of their ancestors.

Numberless are the devices made use of by the People of Fashion of both sexes, to avoid the pursuit of the vulgar, and to preserve the purity of the circle. Sometimes the periwig covers the whole beau, and he peeps forth from the midst like an owl in an ivy-bush; at other times his ears stand up behind half a dozen hairs, and give you the idea of a different animal. Sometimes a large black bag, with wings spread as broad as a raven's, adorns his back; at other times, a little lank silk appears like a dead black-bird in his neck. To-day he borrows the tail of a rat, and to-morrow that of a monkey; for he will transform himself into the likeness of the vilest animal, to avoid the resemblance of his own species.

Nor are the ladies less watchful of the enemy's motions, or less anxious to avoid them. What hoods and hats, and caps and coifs, have fallen a sacrifice in this pursuit! Within my memory the ladies of the circle covered their lovely necks with a cloak; this being routed by the enemy, was exchanged for the manteel; this again was

succeeded by the pelorine; the pelorine by the neckatee; the neckatee by the capuchine; which hath now stood its ground a long time, but not without various changes of colour, shape, ornaments, &c.

And here I must not pass by the many admirable arts made use of by these ladies, to deceive and dodge their imitators; when they are hunted out in any favourite mode, the method is to lay it by for a time, and then to resume it again all at once, when the enemy least expect it. Thus patches appear and disappear several times in a season. I have myself seen the enemy in the pit, with faces all over spotted like the leopard, when the circle in the boxes have, with a conscious triumph, displayed their native alabaster, without a simple blemish, though they had a few evenings before worn a thousand; within a month afterwards the leopards have appeared in the boxes, to the great mortification of the fair faces in the pit.

In the same manner the ruff, after a long discontinuance, some time since began to revive in the circle, and advanced downwards, till it almost met the tucker. But no sooner did the enemy pursue, than it vanished all at once, and the boxes became a collection of little hills of snow, extremely delightful to the eyes of every beholder.

Of all the articles of distinction the hoop hath stood the longest, and with the most obstinate resistance. Instead of giving way, this, the more it hath been pushed, hath increased the more; till the enemy hath been compelled to give over the pursuit from mere necessity; it being found impossible to convey seven yards of hoop into a hackney coach, or to slide with it behind a counter.

But as I have mentioned some of the arts of the circle it would not be fair to be silent as to those of the enemy, among whom a certain citizen's wife distinguished herself

very remarkably, and appeared long in the very top of the mode. It was at last, however, discovered, that she used a very unfair practice, and kept a private correspondence with one of those milliners who were entrusted with all the secrets of the circle.

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## No. 42. TUESDAY, May 26, 1752.

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——*Me literulas stulti docuere parentes.* MART.

My father was a fool,
When he sent me to school.

MR. CENSOR,

It hath been a common observation, 'That great 'scholars know nothing of the world.' The reason of this is not, as generally it is imagined, that the Greek and Latin languages have a natural tendency to vitiate the human understanding; but in solemn truth, gentlemen who obtain an early acquaintance with the manners and customs of the ancients, are too apt to form their ideas of their own times, on the patterns of ages which bear not the least resemblance to them. Hence they have fallen into the greatest errors and absurdities; and hence, I suppose, was derived the observation above mentioned.

Numberless are the instances which may be produced of these errors of the literati; so many indeed, that I have often thought there is no less difference between those notions of the world which are drawn from letters, and those which are drawn from men, than there is between

the ideas of the human complexion which are conceived by one in perfect health and one in the jaundice.

Let us suppose a man, possessed of this jaundice of literature, conveyed into the levees of the great. What notion will he be likely to entertain of the several persons who compose that illustrious assembly, from their behaviour? How will he be puzzled when he is told that he hath before his eyes a number of freemen? How much more will he be amazed when he hears that all the servility he there beholds arises only from an eager desire of being permitted to serve the public?

Again, convey the same gentleman to a hunting-match, a horse-race, or any other meeting of patriots; will he not immediately conclude from all the roaring and ranting, the hallowing and huzzaing, the gaming and drinking, which he will there observe, that he is actually present at the orgia of Bacchus, or the celebration of some such festival? How then will he be astonished to find that he is in the company of a set of honest fellows, who are the guardians of liberty, and are actually getting drunk in the service of their country.

Introduce him next to a drum or a rout, and if the blaze of beauty doth not blind him to any other contemplation, how greatly superior will he think the British ladies to all those of Greece and Rome—at their needles? when he views all the exquisite decorations of art which set off the persons of his fair countrywomen, how will he despise all the compliments paid heretofore to the personages of the Greek and Roman ladies of quality, who claimed a preference over each other from their superior skill in handling their needles? But what must be his amazement, when he is assured, that not one of these ladies ever handled any such instrument; that all the ornaments of the best dressed woman there are owing to the handiwork of others, and that the whole business

of the lives of all present, is only to toss about from the one to the other certain pieces of painted paper, being a pastime common to grown persons and children; with this difference only, that the former play for the higher wagers!

What idea can we suppose such a person could conceive of the word Beau; and if he could have no adequate notion of the word, much less would he be able to obtain any such notion of the thing! should he behold a little dapper effeminate spark, carried through the sunshine in a soft machine by two labourers; his body dressed in all the tinsel which serves to trick up a harlot, and his hair appearing to have been decked by the same tire-woman with hers; would such a sight as this recal to the mind of our learned friend any image of a Greek and Roman soldier; or could he be easily persuaded, that the insect before his eyes was a military commander; in rank a centurion, or perhaps a tribune?

In one particular, and in one alone, it is possible he might form a true judgment. The many eulogiums on the chastity of the ancient Spartan and Roman dames, and on the extraordinary modesty of their young females of rank, must give him a perfect idea of our present ladies of fashion.

With this single exception, I think I may aver, that a scholar, when he first comes to this town from the university, comes among a set of people, as entirely unknown to him, and of whom he hath no more heard or read, than if he was to be at once translated into one of the planets; the world in the town and that in the moon being equally strange to him and equally unintelligible.

How wise therefore is the conduct of the present age, in laying aside that foolish custom of our ancestors, who used to throw away many of the most precious years of

their son's lives by confining them to schools and universities; where what they learnt, was so far from being of any use to them upon their coming into the world, as it is called, that it served only to puzzle and mislead them. They were indeed obliged to unlearn all that had been taught them, before they could acquire that useful knowledge mentioned in the beginning of my paper.

Whereas by the present method of bringing youth to town, about the age of fifteen or sixteen, and entering them immediately in those several schools, where the knowledge of the world is taught; such as the play-houses, gaming-houses, and bawdy-houses; a young gentleman of any tolerable docility, becomes at the age of eighteen a perfect master of all the knowledge of the world at home; and it is then a proper time for him to set out on his travels into foreign parts, and to make himself acquainted with the world abroad.—This completes his education; and he returns at one-and-twenty, a most accomplished fine gentleman; having visited all the principal courts of Europe, and become versed in all their fashions at a season of life when our dull forefathers knew nothing of those foreign people but from history, nor even of their countries but from geography.

It was my misfortune, however, to have a father of the antique way of thinking; by which means, I lost the best part of my youth in turning over those books in which I have said there is little useful to be learned. I remember a passage out of Horace, who is the best of them, and who seems to be very particularly a favourite of yours. His words are these,

*Vitæ summa brevis*
*Spem nos vetat inchoare longam.*

Which may be thus rendered after your paraphrastical manner: 'The shortness of life affords no time for a

'tedious education.' How many indeed of my own acquaintance have I known to die of old age at twenty-five! so that by the ancient method of educating our sons at schools and universities, a great part of them will be in danger of going out of the world before they know any thing of it.

> Life (says Mr. Pope) can little more supply,
> Than just to look about us, and to die.

Is it not therefore the duty of a father to give his son an opportunity of looking about him as soon as he can?

I am, Sir,

Your most humble servant,

TOM TELLTRUTH.

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## No. 44. TUESDAY, JUNE 2, 1752.

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> — *O bone, ne te*
> *Frustrere, insanis et tu.*— HOR.

My good friend, do not deceive thyself; for with all thy charity, thou also art a silly fellow.

I HAVE in a former paper endeavoured to shew, that a rich man without charity is a rogue; and perhaps it would be no difficult matter to prove, that he is also a fool. If a man, who doth not know his true interest, may be thought to deserve that appellation; in what light shall we behold a Christian, who neglects the cultivation of a virtue which is in Scripture said *to wash*

*away his sins*, and without which all his other good deeds cannot render him acceptable in the sight of his Creator and Redeemer.

Even in this world, it is surely much too narrow a view to confine a man's interest merely to that which loads his coffers. To pursue that which is most capable of giving him happiness is indeed the interest of every man; and there are many who find great pleasure in emptying their purses with this view to one who hath no other satisfaction than in filling it. Now what can give greater happiness to a good mind than the reflection on having relieved the misery, or contributed to the well-being, of his fellow-creature. It was a noble sentiment of the worthy Mr. Thomas Firmin, 'That to relieve the 'poor, and to provide work and subsistence for them, 'gave to him the same pleasure as magnificent buildings, 'pleasant walks, well-cultivated orchards and gardens, 'the jollity of music and wine, or the charms of love 'and study, gave to others.' This is recorded in the life of a plain citizen of London, and it as well deserves to be quoted as any one apophthegm that is to be found in all the works of Plutarch.

A Christian therefore, or a good man, though no Christian, who is void of charity, is ignorant of his own interest, and may with great propriety be called a silly fellow. Nay, if we will believe all the great writers whom I cited in my former paper, to which I might add Plato and many more, a mere human being who places all his happiness in selfish considerations, without any relative virtues, any regard to the good of others, is, in plain truth, a downright fool.

I have been encouraged to treat the want of charity with the more freedom, as I am certain of giving little offence to any of my readers by so doing. Charity is, in fact, the very characteristic of this nation at this

time.—I believe we may challenge the whole world to parallel the examples which we have of late given of this sensible, this noble, this Christian virtue.

We cannot therefore surely be arraigned of folly, from the want of charity; but is our wisdom altogether as apparent in the manner of exerting it? I am afraid the true answer here would not be so much to our advantage. Are our private donations generally directed by our judgment to those who are the properest objects? Do not vanity, whim, and weakness, too often draw our purse-strings? Do we not sometimes give because it is the fashion, and sometimes because we cannot long resist importunity? May not our charity be often termed extravagance or folly; nay, is it not often vicious, and apparently tending to the increase and encouragement of idle and dissolute persons?

It would be almost endless to attempt to be particular on this head. I shall mention therefore only one instance, namely, the giving our money to common beggars. This kind of bounty is a crime against the public. It is assisting in the continuance and promotion of a nuisance. Our wise ancestors prohibited it by a law, which would probably have remained in force and use to this day, had not the legislature conceived, that, after the severe penalties which have been since inflicted on beggars, none would have the boldness to become such; and that, after the sufficient legal provision which hath been made for the poor, no persons would have so little regard either to common sense or to the public as to relieve them.

But instead of staying to argue with such people, I shall hasten to the other branch of charity, which is of a public nature; of which there are many species in this kingdom.

The origin of this kind of charity was no better than

priestcraft and superstition. When men began to perceive the near approach of that great enemy of human nature who was to deprive them of all their ill-gotten possessions, and not only so, but might, as they apprehended, deliver them into the hands of an Almighty justice, to punish them for all those knavish arts by which these possessions were acquired; the priest stepped in, took advantage of the terrors of their consciences; and persuaded them, that by consigning over a great part (sometimes the whole) of their acquisitions to the use of the church, a pardon for all kind of villainy was sure to be obtained.

In this attempt the priest found but little difficulty when he had to do with a mind tainted with superstition, and weakened with disease; especially when he could back all his other arguments with one truth at least, namely,—Give us that *which you can by no possible means keep any longer yourself.*

Thus the unwilling will, as Dr. Barrow pleasantly calls it, was at last signed. The fruits of fraud and rapine were trusted to the use of the church, and the greatest rascals died very good saints, and their memories were consecrated to honour and good example.

How notably these attempts succeeded is well known to all who are versed either in our law or our history. So common was it for men to expiate their crimes in this manner; and to finish all their other robberies, by robbing their heirs; that had not the legislature often and stoutly interfered in crushing these superstitious (or as they were called charitable) uses, they seemed to have bid fair for swallowing up the whole property of the nation.

In process of time, however, the lawyer came to the assistance of the priest; (for, like the devil, he is always ready at hand when called for) and formed a distinction

between the superstitious and charitable use. Henceforward, instead of robbing their relations for the use of the church, a method was devised of robbing them for the use of the poor. Hence poor-houses, alms-houses, colleges, and hospitals, began to present themselves to the view of all travellers, being always situated in the most public places, and bearing the name and title of the generous founder in vast capital letters; a kind of ΚΤΗΜΑ ΕΣ ΑΕΙ, a monument of his glory to all generations.

Thus we see the foundation of this kind of charity, and a very strong one it is, being indeed no other than fear and vanity, the two strongest passions which are to be found in human nature.

It may be thought, perhaps, that I have omitted a third, which some may imagine to be the strongest and greatest of all, and this is benevolence, or the love of doing good; but that these charitable legacies have no such motive, appears to me from the following considerations:

First, if a man was possessed of real benevolence, and had (as he must then have) a delight in doing good, he would no more defer the enjoyment of this satisfaction to his death-bed, than the ambitious, the luxurious, or the vain, would wait till that period for the gratification of their several passions.

Secondly, if the legacy be, as it often is, the first charitable donation of any consequence, I can never allow it possible to arise from benevolence; for he who hath no compassion for the distresses of his neighbours whom he hath seen, how should he have any pity for the wants of posterity which he will never see?

Thirdly, if the legacy be, as is likewise very common, to the injury of his family, or to the disappointment of his own friends in want, this is a certain proof that his motive is not benevolence; for he who loves not his

own friends and relations, most certainly loves no other person.

Lastly, if a man hath lived any time in the world, he must have observed such horrid and notorious abuses of all public charities, that he must be convinced (with a very few exceptions) that he will do no manner of good by contributing to them. Some, indeed, are so very wretchedly contrived in their institution, that they seem not to have had the public utility in their view; but to have been mere jobs *ab initio*. Such are all hospitals whatever, where it is a matter of favour to get a patient admitted, and where the forms of admission are so troublesome and tedious, that the properest objects (those I mean who are most wretched and friendless) may as well aspire at a place at court as at a place in the hospital.

From what I have here advanced I know I have rendered myself liable to be represented by malice and ignorance as an enemy to all public charity: I hope to obviate this opinion effectually in a future paper, in which I shall endeavour to point out who are really the objects of our benevolence, as well as to propose some expedients by which the obstructions which attend some of our best-calculated charities of the public kind may be removed. I cannot, however, conclude this, without paying a compliment to the present age for two glorious benefactions, I mean that to the use of the foundling infants, and that for the accommodation of poor women in their lying-in.

## No. 47. SATURDAY, June 13, 1752.

—— *Heu plebes scelerata!* Sil. Ital.

—— O ye wicked rascallions!

It may seem strange that none of our political writers, in their learned treatises on the English constitution, should take notice of any more than three estates, namely, Kings, Lords, and Commons, all entirely passing by in silence that very large and powerful body which form the fourth estate in this community, and have been long dignified and distinguished by the name of *The Mob*.

And this will seem still the more strange, when we consider that many of the great writers above mentioned have most incontestably belonged to this very body.

To say precisely at what time this fourth estate began first to figure in this commonwealth, or when the footsteps of that power which it enjoys at this day were first laid, must appear to be a matter of the highest difficulty, perhaps utterly impossible, from that deplorable silence which I have just mentioned. Certain however it is, that at the time of the Norman conquest, and long afterwards, the condition of this estate was very low and mean, those who composed it being in general called villains; a word which did not then bear any very honourable ideas, though not so bad a one perhaps as it hath since acquired.

The part which this fourth estate seems anciently to

have claimed, was to watch over and controul the other three. This indeed they have seldom asserted in plain words, which is possibly the principal reason why our historians have never explicitly assigned them their share of power in the constitution, though this estate have so often exercised it, and so clearly asserted their right to it by force of arms; to wit, by fists, staves, knives, clubs, scythes, and other such offensive weapons.

The first instance which I remember of this was in the reign of Richard I. when they espoused the cause of religion; of which they have been always stout defenders, and destroyed a great number of Jews.

In the same reign we have another example in William Fitz-Osborne, *alias* Longbeard, a stout asserter of the rights of the fourth estate. These rights he defended in the city of London, at the head of a large party, and by force of the arms above-mentioned; but was overpowered, and lost his life by means of a wooden machine called the gallows, which hath been very fatal to the chief champions of this estate; as it was in the reign of Henry III. to one Constantine, who having, at the head of a London mob, pulled down the house of the high-steward of Westminster, and committed some other little disorders of the like kind, maintained to the chief justiciary's face, 'that he had done nothing punishable by 'law,' *i.e.* 'contrary to the rights of the fourth estate.' He shared however the same fate with Mr. Fitz-Osborne.

We find in this reign of Henry III. the power of the fourth estate grown to a very great height indeed; for, whilst a treaty was on foot between that king and his barons, the mob of London thought proper not only to insult the queen with all manner of foul language, but likewise to throw stones and dirt at her. Of which assertion of their privilege we hear of no other consequence than that the king was highly displeased; and

indeed it seems to be allowed by most writers, that the Mob in this instance went a little too far.

In the time of Edward II. there is another fact upon record of a more bloody kind, though perhaps not more indecent; for the Bishop of Exeter being a little too busy in endeavouring to preserve the city of London for the king his master, the Mob were pleased to cut his head off.

I omit many lesser instances, to come to that glorious assertion of the privileges of the Mob under the great and mighty Wat Tyler, when they not only laid their claim to a share in the government, but in truth to exclude all the other estates; for this purpose, one John Staw, or Straw, or Ball, a great orator, who was let out of Maidstone gaol by the Mob, in his harangues told them, that as all men were sons of Adam, there ought to be no distinction; and that it was their duty to reduce all men to perfect equality. This they immediately set about, and to do it in the most effectual manner, they cut off the heads of all the nobility, gentry, clergy, &c. who fell into their hands.

With these designs they encamped in a large body at Blackheath, whence they sent a message to king Richard II. to come and talk with them, in order to settle the government; and when this was not complied with, they marched to London, and the gates being opened by their friends, entered the city, burnt and plundered the Duke of Lancaster's palace, that of the archbishop, and many other great houses, and put to death all of the other three estates with whom they met, among whom was the Archbishop of Canterbury and the lord treasurer.

The unhappy end of this noble enterprise is so well known, that it need not be mentioned. The leader being taken off by the gallantry of the lord mayor, the whole

army, like a body when the head is severed, fell instantly to the ground; whence many were afterwards lifted to that fatal machine, which is above taken notice of.

I shall pass by the exploits of Cade and Ket, and others. I think I have clearly demonstrated, that there is such a fourth estate as the Mob, actually existing in our constitution; which though, perhaps, for very politic reasons, they keep themselves generally like the army of Mr. Bayes, in disguise, have often issued from their lurking places, and very stoutly maintained their power and their privileges in this community.

Nor hath this estate, or their claims, been unknown to the other three; on the contrary, we find in our statute books, numberless attempts to prevent their growing power, and to restrain them at least within some bounds; witness the many laws made against ribauds, roberdsmen, drawlatches, wasters, rogues, vagrants, vagabonds; by all which, and many other names, this fourth estate hath been from time to time dignified and distinguished.

Under all these appellations they are frequently named in our law-books; but I do not perfectly remember to have seen them mentioned under the term of fourth estate in all my reading; nor do I recollect that any legislative or judicial power is expressly allowed to belong to them. And yet certain it is, that they have from time immemorial been used to exercise a judicial capacity in certain instances wherein the ordinary courts have been deficient for want of evidence; this being no let or hindrance to the administration of justice before the gentlemen who compose this fourth estate, who often proceed to judgment without any evidence at all. Nor must I admit the laudable expedition which is used on such occasions, their proceedings being entirely free from all those delays which are so much complained of in other courts. I have indeed known a pickpocket arrested, tried, con-

victed, and ducked almost to death, in less time than would have been consumed in reading his indictment at the Old Bailey. These delays they avoid chiefly by hearing only one side of the question, concluding, as Judge Gripus did of old, that the contrary method serves only to introduce incertainty and confusion.

I do not however pretend to affirm any thing of the legal original of this jurisdiction. I know the learned are greatly divided in their opinions concerning this matter, or rather perhaps in their inclinations; some being unwilling to allow any power at all to this estate, and others are stoutly contending, that it would be for the public good to deliver the sword of justice entirely into their hands.

So prevalent hath this latter opinion grown to be of modern days, that the fourth estate hath been permitted to encroach in a most prodigious manner. What these encroachments have been, and the particular causes which have contributed to them, shall be the subject of my next Saturday's paper.

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## No. 48. TUESDAY, JUNE 16, 1752.

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*Ὦ μεγίση τῶν θεῶν*
*Νῦν ἴσ' Ἀναίδεια.* MENANDER.

O thou greatest of all the deities,
Modern Impudence!

THERE is a certain quality which, though universal consent hath not enrolled it among the cardinal virtues, is often found sufficient, of itself, not only to carry its possessor through the world, but even to carry him to the

top of it. It is almost perhaps unnecessary to inform my reader, that the quality I mean is impudence; so dear is this to one female at least, that it effectually recommends a man to fortune without the assistance of any other qualification. She seems indeed to think, with the poet, that,

——— He who hath but impudence,
To all things hath a fair pretence,

and accordingly provides that those who want modesty shall want nothing else.

What are the particular ingredients of which this quality is composed, or what temper of mind is best fitted to produce it, is perhaps difficult to ascertain; so far I think experience may convince us, that, like some vegetables, it will flourish best in the most barren soil. To say truth, I am almost inclined to an opinion, that it never arrives at any great degree of perfection unless in a mind totally unincumbered with any virtue, or with any great or good quality whatever. It would indeed seem that nature had agreed with fortune in setting a high value on impudence, and had accordingly decreed, that those of her children who had received this rich gift at her hands were amply provided for without any further portion.

And surely it is not without reason that I call this the gift of nature; indeed, genius itself is not more so. We may here apply a phrase which the French use on an occasion not so proper to be mentioned, and affirm, 'That it is not in the power of every man to be im-'pudent who would be so.' A man born without any genius may as reasonably hope to become such a poet as Homer, or such a critic as Longinus, as one born without any impudence can pretend, without any merit, to aspire to these characters.

Though nature however must give the seeds, art may cultivate them. To improve or to depress their growth is greatly within the power of education. To lay down the proper precept for this purpose would require a large treatise, and such I may possibly publish hereafter. In the mean time it shall suffice to mention only two rules, which may be partly collected from what I have above asserted, and which are of universal use. This is with the utmost care to suppress and eradicate every seed or principle of what is any wise praiseworthy out of the mind; and, secondly, to preserve this in the purest state of ignorance, than which nothing more contributes to the highest perfection and consummation of impudence; the more a man knows, the more inclined is he to be modest; it is indeed within the province only of the highest human knowledge to survey its own narrow compass.

It may, I think, be predicated in favour of impudence, that it is the quality which, of all others, we are capable of carrying to the greatest height; so far, indeed, that did not the strongest force of evidence convince us of the truth of some examples, we should be apt to doubt the possibility of their existence. What but the concurrent testimony of historians, and the indubitable veracity of records, could compel us to believe, that there have been men in the world of such astonishing impudence, as, in opposition to the certain knowledge of many thousands, to take upon themselves to personate kings and princes as well in their life time as after their death? and yet our own, as well as foreign annals, afford us such instances.

But the greatest hero in impudence, whom, perhaps the world ever produced, appeared in France at the end of the last century. His name was Peter Mege, and he was a common soldier in the marines. This

fellow had the assistance only of one who had been a footman to a certain man of quality, called Scipion le Brun de Castelane, Seigneur de Caille et de Rougon, a nobleman who had fled from France to Switzerland, to avoid a religious persecution. With this confederate alone, Peter Mege had the amazing impudence to personate the young Seigneur de Caille, who was at that time dead; and this in the life-time of the father, in defiance of all his noble relations then in possession of his forfeited estate, upon the spot where the young gentleman had lived to the age of twenty-one; and all this without the least resemblance of features, shape, or stature; without being acquainted with any part of the history of him whom he was to represent, or being able to give the least account of any of his family; indeed, without being able to write and read.

But how much more will the reader be surprised to hear, that this most impudent of all attempts succeeded so far as to obtain a sentence in the parliament of Provence in favour of the soldier? And this success would have been final, had not the canton of Berne interposed, and obtained an appeal to the parliament of Paris, where at last the impostor was defeated.

To account for all this, and to assuage his reader's astonishment, the very ingenious author of the trial, when he informs us that this impostor was confronted with twenty witnesses, who swore to the identity of Peter Mege, and as many more who had been fellow students with the young nobleman, and who, on their oaths, declared that this Peter was not the person, goes on thus: 'But what was most strange, was the steady 'countenance of the soldier, which never once betrayed 'him, nor gave the least symptom of any doubt of his 'success. It is in vain to form a project of usurping 'the name of another, to lay your plan ever so regularly

'and systematically, if you do not provide yourself with 'a stock of impudence to support every attack to which 'you may be exposed. In such an attempt the forehead 'must be furnished as well without as within; more 'indeed will depend on the outside: for it is the steadi-'ness of the front, hardiness, or downright audacity, 'which impose on mankind the most, and make amends 'for all defects in the understanding. The soldier had 'made many blunders; but his invincible assurance re-'paid all, and brought over even his enemies to his side.' And to say truth, I know scarce any thing to which such a degree of assurance is not equal.

This attempt, indeed, of personating *who* you are not, seems to be attended with too great difficulties: and to succeed in it, is, perhaps, beyond the power of impudence; we are not therefore to wonder, that all the heroes in this way have been unsuccessful. In fact, we ought to fix our whole attention on the undaunted impudence of engaging in such a design, and not to suffer the defeat to lessen our admiration; but to say of such a hero, with Ovid,

——— *Si non tenuit, magnis tamen excidit ausis.*

But if, in personating the *who*, impudence is found unequal to the task; in personating *what* we are not, it is almost sure to come off triumphant. Here I believe the undertaker seldom fails, but through his own fault; that is, by not being impudent enough.

My Lord Bacon advises a modest man to shelter his vices under those virtues to which they are the nearest allied. The avaricious man, he would have to affect frugality; the extravagant, liberality; and so of the rest. Now the reverse of this should be the rule of our impudent man.——If you are a blockhead, my friend, be sure to commence writer; and if entirely illiterate, be

sure to pretend to learning. If you are a coward, be a bully, and always talk of feats of bravery; if again you are a beggar, boast of your riches. In short, whatever vice or defect you have, set up for its opposite virtue or endowment. And if you are possessed of every ill quality, you may assert your title to every good one.

The last species of impudence which I shall mention, is to assert openly and boldly what you really are, let this be ever so bad. Own your vices, and be proud of them; and in time, perhaps, you may laugh virtue out of countenance, and bring your vices into fashion. This, however, is a little unsafe to attempt, unless you are very sure of yourself, and of the degree of impudence which you possess. A modest woman may be a w——e; but to behave with indecency in public, indeed, to throw off all that would recommend a woman to a vicious man of sense and taste; to show, as De Roty says of a court lady, not the least sense of virtue in the practice of every vice; this requires the highest degree of impudence; that degree, indeed, which is inconsistent with every great or good quality whatever.

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## No. 49. SATURDAY, June 20, 1752.

*Odi profanum vulgus.* Hor.

I hate the mob.

In a former paper I have endeavoured to trace the rise and progress of the power of the fourth estate in this constitution. I shall now examine that share of power

which they actually enjoy at this day, and then proceed to consider the several means by which they have attained it.

First, though this estate have not *as yet* claimed that right which was insisted on by the people or mob in old Rome, of giving a negative voice in the enacting laws, they have clearly exercised this power in controlling their execution. Of this it is easy to give many instances, particularly in the case of the gin-act some years ago; and in those of several turnpikes which have been erected against the good-will and pleasure of the mob, and have by them been demolished.

In opposing the execution of such laws, they do not always rely on force; but have frequent recourse to the most refined policy; for sometimes, without openly expressing their disapprobation, they take the most effectual means to prevent the carrying a law into execution; those are by discountenancing all those who endeavour to prosecute the offences committed against it.

They well know that the courts of justice cannot proceed without informations; if they can stifle these, the law of course becomes dead and useless. The informers therefore in such cases they declare to be infamous, and guilty of the crime *læsæ mobilitatis*. Of this whoever is suspected (which is with them a synonymous term with convicted) is immediately punished by buffeting, kicking, stoning, ducking, bemudding, &c., in short, by all those means of putting (sometimes quite, sometimes almost) to death, which are called by that general phrase of mobbing.

It may, perhaps, be said, that the mob do, even at this day, connive at the execution of some laws, which they can by no means be supposed to approve.

Such are the laws against robbery, burglary, and theft.

This is, I confess, true; and I have often wondered that it is so. The reason perhaps is, the great love which the mob have for a holiday, and the great pleasure they take in seeing men hanged; so great, that, while they are enjoying it, they are all apt to forget that this is hereafter, in all probability, to be their own fate.

In all these matters, however, the power of this estate is rather felt than seen. It seems, indeed, to be like that power of the crown of France, which Cardinal de Retz compares to those religious mysteries that are performed in the *sanctum sanctorum;* and which, though it be often exercised, is never expressly claimed.

In other instances the fourth estate is much more explicit in their pretensions, and much more constant in asserting and maintaining them; of which I shall mention some of the principal.

First, they assert an exclusive right to the river of Thames. It is true, the other estates do sometimes venture themselves upon the river; but this is only upon sufferance; for which they pay whatever that branch of the fourth estate, called watermen, are pleased to exact of them. Nor are the mob contented with all these exactions. They grumble whenever they meet any persons in a boat, whose dress declares them to be of a different order from themselves. Sometimes they carry their resentment so far as to endeavour to run against the boat, and overset it; but if they are too good-natured to attempt this, they never fail to attack the passengers with all kind of scurrilous, abusive, and indecent terms, which indeed they claim as their own, and call mob language.

The second exclusive right which they insist on is to those parts of the streets which are set apart for the foot-passengers. In asserting this privilege, they are extremely rigorous; insomuch, that none of the other

orders can walk through the streets by day without being insulted, nor by night without being knocked down. And the better to secure these foot-paths to themselves, they take effectual care to keep the said paths always well blocked up with chairs, wheel-barrows, and every other kind of obstruction; in order to break the legs of all those who shall presume to encroach upon their privileges by walking the streets.

Here it was hoped their pretensions would have stopped; but it is difficult to set any bounds to ambition; for, having sufficiently established this right, they now begin to assert their right to the whole street, and to have lately made such a disposition with their waggons, carts, and drays, that no coach can pass along without the utmost difficulty and danger. With this view we every day see them driving side by side, and sometimes in the broader streets three abreast; again, we see them leaving a cart or waggon in the middle of the street, and often set across it, while the driver repairs to a neighbouring alehouse, from the window of which he diverts himself while he is drinking, with the mischief or inconvenience which his vehicle occasions.

The same pretensions which they make to the possession of the streets they make likewise to the possession of the highways. I doubt not I shall be told they claim only an equal right; for I know it is very usual when a carter or a drayman is civilly desired to make a little room, by moving out of the middle of the road either to the right or left, to hear the following answer: 'D—n 'your eyes, who are you? Is not the road and be d—n'd 'to you, as free for me as you?' Hence it will, I suppose, be inferred, that they do not absolutely exclude the other estates from the use of the common highways. But notwithstanding this generous concession in words,

I do aver this practice is different, and that a gentleman may go a voyage at sea with little more hazard than he can travel ten miles from the metropolis.

I shall mention only one claim more, and that a very new and a very extraordinary one. It is the right of excluding all women of fashion out of St. James's Park on a Sunday evening. This they have lately asserted with great vehemence, and have inflicted the punishment of mobbing on several ladies, who had transgressed without design, not having been apprised of the good pleasure of the mob in this point. And this I the rather publish to prevent any such transgressions for the future, since it hath already appeared, that no degree of either dignity or beauty can secure the offender.*

Many things have contributed to raise this fourth estate to that exorbitant degree of power which they at present enjoy, and which seems to threaten to shake the balance of our constitution. I shall name only three, as these appear to me to have had much the greatest share in bringing it about.

The first is, that act of parliament which was made at the latter end of queen Elizabeth's reign, and which I cannot help considering as a kind of compromise between the other three estates and this. By this act it was stipulated, that the fourth estate should annually receive out of the possessions of the others, a certain large proportion yearly, upon an implied condition (for no such was expressed) that they should suffer the other estates to enjoy the rest of their property without loss or molestation.

This law gave a new turn to the minds of the mobility. They found themselves no longer obliged to depend on

* A lady of great quality, and admirable beauty, was mobbed in the Park at this time.

the charity of their neighbours, nor on their own industry, for a maintenance. They now looked upon themselves as joint proprietors in the land, and celebrated their independency in songs of triumph; witness the old ballad which was in all their mouths,

> Hang sorrow, cast away care;
> The parish is bound to find us, &c.

A second cause of their present elevation has been the private quarrels between particular members of the other estates, who, on such occasions, have done all they could on both sides to raise the power of the mob, in order to avail themselves of it, and to employ it against their enemies.

The third, and the last which I shall mention, is the mistaken idea which some particular persons have always entertained of the word liberty; but this will open too copious a subject, and shall be therefore treated in a future paper.

But before I dismiss this I must observe, that there are two sorts of persons of whom this fourth estate do yet stand in some awe, and whom, consequently, they have in great abhorrence: these are a justice of peace, and a soldier. To these two it is entirely owing that they have not long since rooted all the other orders out of the commonwealth.

## No. 51. SATURDAY, June 27, 1752.

*Hæ tibi erunt artes——* Virg.

These must be your golden rules.

Of all our manufactures there is none at present in a more flourishing condition, or which hath received more considerable improvement of late years, than the manufacture of paper. To such perfection is this brought at present, that it almost promises to rival the great staple commodity of this kingdom.

The two principal branches of this manufacture are carried on by painting and printing. To what a degree of excellence the artists are arrived in the former I need not mention. Our painted paper is scarcely distinguishable from the finest silk; and there is scarce a modern house which hath not one or more rooms lined with this furniture.

But however valuable this branch may be, it is by no means equal to that which is carried on by printing. Of such consequence indeed to the public may this part of the paper manufacture be made, that I doubt not but that, with proper care, it would be capable of finding an ample provision for the poor. To which purpose it seems better adapted than any other, for a reason which I shall presently assign.

Of printing likewise there are two kinds; that of the rolling, and that of the letter-press,—or perhaps I shall be better understood by most of my readers by the terms prints and books.

The former (though of infinitely the less consequence) hath been of late much improved; and though it doth

not consume a great quantity of paper, doth however employ a great number of hands. This was formerly an inconsiderable business, and very few got their bread by it; but some ingenious persons have of late so greatly extended it, that there are at present almost as many print-shops as there are bakers in this metropolis.

This improvement hath been owing to a deep penetration into human nature, by which it hath been discovered, that there are two sights which the generality of mankind do hunger after with little less avidity than after their daily bread. The one is, to behold certain parts which are severally common to one half of the species exhibited to view, in the most amiable and inviting manner; the other is, to see certain faces, which belong to individuals, exposed in a ridiculous and contemptible light. By feeding both which appetites, the print-makers have very plentifully fed themselves.

I come now to the second branch of printing, namely, to that which is performed at the letter-press, and which consists of books, pamphlets, papers, &c. The flourishing state of this manufacture needs no kind of proof. It is indeed certain, that more paper is now consumed this way in a week than was formerly the consumption of a year.

To this notable increase nothing perhaps hath more contributed, than the new invention of writing without the qualifications of any genius or learning. The first printers, possibly misled by an old precept in one Horace, seem to have imagined that both those ingredients were necessary in the writer, and accordingly, we find they employed themselves on such samples only as were produced by men in whom genius and learning concurred; but modern times have discovered that the trade is very well to be carried on without either; and this by introducing several new kind of wares, the

manufacture of which is extremely easy, as well as extremely lucrative. The principal of these are blasphemy, treason, bawdry, and scandal. For in the making up of all these, the qualifications above-mentioned, together with that modesty which is inseparable from them, would rather be an incumbrance than of any real use.

No sooner were these new-fashioned wares brought to market, than the paper merchants, commonly called booksellers, found so immense a demand for them, that their business was to find hands sufficient to supply the wants of the public. In this, however, they had no great difficulty, as the work was so extremely easy that no talents whatever (except that of being able to write), not even the capacity of spelling, were requisite.

The methods, however, which have been used by the paper-merchants to make these new-fashioned wares universally known are very ingenious, and worthy our notice.

The first of these methods was for the merchant himself to mount in the most public part of the town into a wooden machine called the pillory, where he stood for the space of an hour, proclaiming his goods to all that passed that way. This was practised with much success by the late Mr. Curll, Mr. Mist, and others, who never failed of selling several large bales of goods in this manner.

Notwithstanding, however, the profits arising from this method of publication, it was not without objections; for several wanton persons among the mob were used on such occasions to divert themselves by pelting the merchant while he stood exposed on the *publishing stool*, with rotten eggs and other mischievous implements, by which means he often came off much bedaubed, and sometimes not without bodily hurt.

Some of the more cunning, therefore, among the merchants began to decline this practice themselves, and employed their understrappers, that is to say, their writers for such purposes; for it was conceived a piece of blasphemy, bawdry, &c. would be as well sold by exhibiting the author as by exhibiting the bookseller.

Of this, probably, they received the first hint from the case of one Mr. Richard Savage, an author whose manufactures had long lain uncalled for in the warehouse, till he happened, very fortunately for his bookseller, to be found guilty of a capital crime at the Old Bailey. The merchant instantly took the hint, and the very next day advertised the works of Mr. Savage, now under sentence of death for murder. This device succeeded, and immediately (to use their phrase) carried off the whole impression.

Encouraged by this success, the merchant, not doubting the execution of his author, had very high for his dying speech, which was accordingly penned and delivered. Savage, however, was, contrary to all expectation, pardoned, and would have returned the money; but the merchant insisted on his bargain, and published the dying speech which Mr. Savage should have made at Tyburn, of which, it is probable, as many were sold as there were people in town who could read.

The gallows being thus found to be a great friend to the press, the merchants, for the future, made it their chief care to provide themselves with such writers as were most likely to call in this assistance; in other words who were in the fairest way of being hanged: and though they have not always succeeded to their wish, yet whoever is well read in the productions of the last twenty years, will be more inclined perhaps to blame the law than the sagacity of the booksellers.

The whipping-post hath been likewise of eminent use

to the same purposes; and though, perhaps, this may raise less curiosity than the gallows, in one instance, at least, it hath visibly the advantage; for an author, though he may deserve it often, can be hanged but once, but he may be whipped several times, indeed, six times by one sentence, of which we have lately seen an instance in the person of Stroud,* who is a strong proof of the great profits which the paper-merchants derive from the whipping one of their manufacturers.

Mr. Stroud, in imitation of several eminent persons, thought proper to publish an apology for his life. The public, however, were less kind to him than they have been to other great apologists, and treated his performance with contempt. But no sooner was he tied to the cart's tail than the work began to sell in great numbers; and this sale revived with every monthly whipping; so that if he had been whipped, as some imagined he was to have been, once a month during life, the merchant possibly might have sold as many bales of his works as have been sold of those of Swift himself.

I shall conclude with hoping, that, as the merchants seem at present to have their eye chiefly on the whipping-post for the advancement of their manufactures, it is to be hoped courts of justice will do all that in them lies to encourage a trade of such wonderful benefit to the kingdom, and which seems more likely than any other to provide a maintenance for our poor; as no qualification is required to the production of these wares besides that of being able to write, nor any tools or stock to set up a manufacture besides pen and ink, and a small quantity of paper; so that an author may indeed be equipped at a cheaper rate than a blacker of shoes.

* A noted swindler, who was ordered to be whipped several times through the streets. C.

## No. 53. SATURDAY, July 4, 1752.

*Quid dignum tanto feret hic promissor hiatu?* Hor.

What will this gascoon be able to perform after this puff?

TO THE CENSOR OF GREAT BRITAIN.

Sir,

Your predecessors in the censorship were used to celebrate the several extraordinary personages who appeared in their time. As I doubt not to find in yourself the same good disposition, I here send you an advertisement printed in the Daily Advertiser of Monday last; the author of which must, I think, be esteemed the most extraordinary person whom any age hath produced.

'Un François, homme de lettres, est arrivé de Paris à 'Londres, pour y enseigner le François, la Fable, la 'Poësie, la Blason, la Philosophie Françoise, le Latin, 'sans exiger aucune étude de son disciple; l'étude étant 'un obstacle à sa methode. S'il y a des temperamens 'trop foibles pour les contraindre, des caracteres trop vifs 'pour les fixer, des personnes trop ageés pour s'appliquer 'à l'étude, et qu'ils veuillent apprendre quelqu'une de 'ces sciences sur une methode si simple, plus courte, et 'plus solide que tout ce qui a precedé; they are desired 'to enquire at Mr. Bezançon's Snuff-shop in Little-Earl-'Street, the Black-boy, by the Seven Dials.'

As it is possible that some of your readers may not have yet conversed with this surprising master, I shall, for his and their sakes, endeavour to render it in English.

Thus then it runs:

'A Frenchman, a man of learning, is arrived at London 'from Paris, in order to teach the French language, 'Fables, Poetry, Heraldry, *French Philosophy*, and the 'Latin tongue; without exacting any study from his 'scholars, *all study being an obstacle to his method.* If 'there be any constitutions too weak to bear contradic- 'tion, any characters too lively to be capable of attention, 'any persons too far advanced in life to apply themselves 'to study, and who are willing to learn any of the above 'sciences, by a simple method, and one shorter as well as 'more solid than any which hath been hitherto practised, 'they are desired to enquire,' &c. as above.

I must confess myself so ignorant, that till I read this wonderful performance, I did not know there was a philosophy which was peculiar to France, and which went under the name of French Philosophy! Perhaps this is what is meant by the French Marquè de St. Evremont, when he says, 'Premiérement, j'aime la guerre, après la 'guerre Madame de——, après Madame de—— la reli- 'gion, après la religion *la philosophie.*—Voilà ce que 'j'aime, Morbleu!'—'My first passion is *the war*, my 'second is *Madame* de——; my third is *religion*, and my 'fourth passion is *philosophy.*—Now I have told you 'what my passions are, d—n me!' In which passage it seems pretty plain, that *la philosophie* is no other than what the French likewise call *la danse;* and then it will be plain that the artist above-mentioned is no other than a dancing-master, to whose method of teaching I do readily agree that study is often a very deplorable obstacle.

But this will by no means solve all the difficulties; for

though dancing will possibly make a man a great adept in the French philosophy, how he will be able to dance into any English science, or into the Latin tongue, is somewhat hard to conceive. Perhaps, by French philosophy, the author means what is also called *l'industrie ou l'art de voler bien les poches*, which I must beg to be excused from translating into our coarser language; in barbarous French it may be called the art of *peka de poka*. But if this be his meaning, I fancy he will be greatly deceived in his views, since I believe it is impossible to find more able masters than some of his countrymen have already shown themselves here in that art. Nor do I believe, that study or intense application can be an enemy to this art, since I know several of the English who have plodded on all their lives on this very science, and have at last, by mere dint of study, become very great proficients in it.

To say the truth, I am inclined to think, that by *à la Philosophie Françoise*, is meant no other than *la bonne assurance;* that assurance which the French alone call good, and which, it is very probable, they alone may call philosophy.

And this I the rather conclude to be the undertaker's meaning, as it is certain that, to the making any considerable progress in this French philosophy, study is of all things the greatest obstacle. I have, indeed, observed in a late paper, that no man of learning was ever a proficient in this art. I must farther observe, that the disciples which our master seems to have principally chosen, such, I mean, as can bear no contradiction, such as are incapable of any attention, and such aged persons who are willing, all at once, without any labour, to leap, as it were, into science, are all excellently adapted to receive the strongest and most immediate impressions of this philosophy.

Nor can I help observing, which is a farther confirmation of my opinion, how nobly our artist hath contrived to convince the world of his fitness for the task he hath undertaken. I defy the ingenuity of man to invent a better method of conveying to the public, in so few lines, an idea of a capacity for any undertaking whatever, than this astonishing Frenchman hath made use of to show this nation how well qualified he is to teach them the French philosophy, or the good assurance. I will not venture to prophesy what success may attend so new and so extraordinary a proposal. This, however, I cannot avoid remarking, that it seems to indicate what opinion of the understandings of the good people of this island at present prevails among the French philosophers abroad. I am well convinced, it would be extremely difficult to persuade the greatest adept in the good assurance which this kingdom ever produced, to expect any success from such a proposal even among the Hottentots, if he could make himself enough understood to publish his scheme among them.

I am, Sir,

Your most humble servant,

ANTIGALLICUS.

## No. 54. SATURDAY, July 11, 1752.

—— *His juventus orta parentibus*
*Infecit æquor sanguine Punico.* Hor.

Such were the heroes of that glorious reign,
That humbled to the dust the pride of Spain.

MR. CENSOR,

You have formerly entertained the public by representing to them the opinions which posterity will be supposed to conceive of the present age; you will possibly furnish no less amusement to your readers, by casting your eyes backwards into our annals, as the manners of their ancestors will, I apprehend, appear no less strange to the present age, than the history of these our times can be thought hereafter.

After this short introduction, I shall present you with a curious dialogue which seems to have been written towards the end of the reign of Queen Elizabeth. I have taken the liberty to modernize the language without doing the least violence to the sentiments of the original.

A DIALOGUE BETWEEN MR. ENGLISH, MADAM ENGLISH, MISS BIDDY ENGLISH, AND MISTRESS PLUMTREE, THE MISTRESS OF THE HOUSE.

*Mrs. Plum.* I hope your ladyship is very well this morning after the fatigue of your journey.

*Mad. Eng.* Indeed, Mistress Plumtree, I never was more fatigued in my life. Four days together upon a

hard trotting horse are enough to tire any one; besides my pillion was horridly uneasy, and I rode behind the footboy, who was hardly able to support my leaning against him; but here's Biddy not in the least the worse for her journey.

*Miss Biddy.* Upon my word, mamma, I never was in better spirits in my life. My ride hath given me an appetite; I have ate above half a pound of beef-steaks this morning for breakfast.

*Mrs. Eng.* I could have gone through anything at your age, my dear, though I was never many miles from home before I was married. The young ladies have more liberty in these days, than they had formerly. Indeed, it was entirely owing to your father's goodness that you came to London now.

*Mrs. Plum.* Oh! Madam, I am sure your ladyship would not have left miss in the country. It would have been barbarous not to have let her see the Tower, and the Abbey, and Bedlam, and two or three plays.

*Mrs. Eng.* Fie! Mrs. Plumtree, with what are you filling the child's head? one play she is to see and no more. The terms are all settled. One play, one new gown, and one ruff. But now I mention these things, pray, Mrs. Plumtree, what is become of the mantua-maker I employed last parliament when I was here?

*Mrs. Plum.* Alas! poor woman, she is dead; but I can recommend your ladyship to another, one of the best in all London; she makes gowns for the Lady Mayoress herself.

*Mrs. Eng.* I shall be obliged to you, good Mrs. Plumtree, to send for her to-day, for I have three visits to make in London, and I shall like to do it in my new clothes.—O! Sir John, are you come at last? Dinner hath stayed for you till, I suppose, it is spoiled. It is almost two o'clock.

*Mr. Eng.* The house is but just up, my dear. We sat very late to-day. I assure you I was invited very much to dine with one of our knights of the shire at his lodgings; he had a haunch of venison, a fat goose, and an apple-pie for dinner, and all this I left for your company.

*Mrs. Eng.* Well, Sir John, I do not blame you: but parliament hours are very dreadful things.

*Mr. Eng.* We must suffer some inconveniences for the good of our country, and we are employed upon a scheme now that is of the utmost consequence to the nation. We are going to make such a provision for the poor, that there will never be another beggar in the kingdom.*

*Mrs. Plum.* I am heartily glad of that: and I am sure it is high time, for it was no longer ago than last summer that I saw two poor wretches in one day, actually begging in the open street.

*Mr. Eng.* Well, dame, and how doth my good friend, Master Plumtree, hold it? We shall have another game at lantry-loo.

*Mrs. Plum.* Indeed, Sir John, you are too hard for my husband. You won above ten shillings of him last parliament.

*Mrs. Eng.* Your family is not hurt by it; for, I believe, you are as much in my debt on the same account; but I beg you will not encourage this girl to play; for she is too much inclined to idleness.

*Miss Biddy.* Nay, mamma, I am sure I never desire to play but in the Christmas holidays.

*Mrs. Plum.* O! Madam, Miss will have something else to think on. Here is a young squire that lodges in our neighbourhood. A fine hardy young spark. There are

* By this passage it is supposed this dialogue happened in the forty-third year of Queen Elizabeth, when the famous statute was made for providing for the poor: and which is the corner stone of all our excellent poor laws.

but few, they tell me, that can either run or wrestle with him, and heir to a noble estate he is.

(*At these words Miss Biddy blushed extremely.*)

*Mr. Eng.* Well, let him look to it. Biddy won't turn her back to him. But, my dear, I have a show for you. The queen goes to the parliament-house to-morrow: and there will be all the fine lords and ladies of the court. I have hired a balcony, and my little Biddy shall go too.

*Mrs. Eng.* You see, Biddy, how good your papa is; and now, I hope, you will be satisfied, and not desire to go out any more, except to one play and to church, whilst you stay in London. I am sure he is so liberal, he will be forced to send up for the other twenty pound.

*Mr. Eng.* Never mind that, my dear; your prudence in the country will soon make it up. But now I talk of court ladies, I have a piece of news for you. Indeed, I can hardly believe it myself, and yet I was told it by a very great person.

*Mrs. Eng.* What can it be, my dear, that you introduce with all this preface?

*Mrs. Plum.* I hope there are no more Spanish armadas coming.

*Mr. Eng.* No, no, nothing of that kind——In short, it is so strange a thing, I scarce know how to mention it.—But can you think it? they say there is a court lady that hath made a cuckold of her husband——A woman of very great quality, I assure you.

*Mrs. Eng.* This is strange news, indeed, and impossible to be true.

*Mr. Eng.* Hardly impossible, my dear; such things have been in nature.

*Mrs. Eng.* And what is become of the lady, pray?

*Mr. Eng.* Why, she is at court still.

*Mrs. Eng.* Then it is impossible to be true; for if I

could believe there was one such woman of quality, I am well convinced there are no other that would own her.

*Mr. Eng.* I only tell you what I hear.——But come, Dame Plumtree, is not your dinner ready? Upon my word, I have been half-starved. My constituents shall find out some other to serve them in the next parliament. It is a hard duty, Mrs. Plumtree, and a very expensive one too. I never come up myself under twenty pound; and if my wife comes with me, the expense is almost double.

*Mrs. Plum.* Well, Sir,—but you know all men must serve their country.

*Mr. Eng.* Yes, Madam, and if all would, the burthen would be less severe; but I have discovered a most wicked corruption in the borough I serve for.—There are three gentlemen in the neighbourhood who have as good estates as I have, and yet, because they entertain the mayor and aldermen with more strong drink than I do, they have never once attempted to choose them. The moment there is but a discourse of an election, to toping they go.—So that they are sure always of escaping, and I am likely to serve my country as long as I live.

*Mrs. Plum.* It is very hard, I must confess, squire, but then you will consider you have all the honour.——However, Sir, dinner is upon the table at present.

*Mr. Eng.* Lead on then, my dame, and I will shew you what a stomach I have got in the service of my country.

## No. 55. SATURDAY, July 18, 1752.

—— *Juvat integros accedere fontes,*
*Atque haurire*—— LUCRETIUS.

———— It is pleasant to handle
An untouched subject.

It hath been observed, that characters of humour do abound more in this our island, than in any other country; and this hath been commonly supposed to arise from that pure and perfect state of liberty which we enjoy in a degree greatly superior to every foreign nation.

This opinion, I know, hath great sanction, and yet I am inclined to suspect the truth of it, unless we will extend the meaning of the word Liberty farther than I think it hath been yet carried, and will include in it not only an exemption from all restraint of municipal laws, but likewise from all restraint of those rules of behaviour which are expressed in the general term of good-breeding. Laws which, though not written, are perhaps better understood, and though established by no coercive power, much better obeyed within the circle where they are received, than any of those laws which are recorded in books, or enforced by public authority.

A perfect freedom from these laws, if I am not greatly mistaken, is absolutely necessary to form the true character of humour; a character which is therefore not to be met with among those people who conduct themselves by the rules of good-breeding.

For, indeed, good-breeding is little more than the art of rooting out all those seeds of humour which nature had originally implanted in our minds.

To make this evident, it seems necessary only to explain the terms, a matter in which I do not see the great difficulty which hath appeared to other writers. Some of these have spoken of the word humour, as if it contained in it some mystery impossible to be revealed, and no one, as I know of, hath undertaken to shew us expressly what it is, though I scarce doubt but it was amply done by Aristotle in his treatise on comedy, which is unhappily lost.

But what is more surprising, is, that we find it pretty well explained in authors who at the same time tell us they know not what it is. Mr. Congreve, in a letter to Mr. Dennis, hath these words: 'We cannot certainly tell 'what wit is, or what humour is;' and within a few lines afterwards he says, 'There is a great difference between 'a comedy wherein there are many things humorously, 'as they call it, which is pleasantly spoken; and one 'where there are several characters of humour distinguished by the particular and different humours appropriated to the several persons represented, and which 'naturally arise from the different constitutions, complexions, and dispositions of men. And again, I take 'humour to be a singular and unavoidable manner of 'saying or doing any thing peculiar and natural to one 'man only; by which his speech and actions are distinguished from those of other men. Our humour hath 'relation to us, and to what proceeds from us, as the 'accidents have to a substance; it is a colour, taste, and 'smell diffused through all; though our actions are 'ever so many, and different in form, they are all 'splinters of the same wood, and have naturally one 'complexion,' &c.

If my reader hath any doubt whether this is a just description of humour, let him compare it with those examples of humorous characters, which the greatest

masters have given us, and which have been universally acknowledged as such, and he will be perhaps convinced.

Ben Jonson, after complaining of the abuse of the word, proceeds thus:

> Why humour (as 'tis ens) we thus define it,
> To be a quality of air, or water,
> And in itself holds these two properties,
> Moisture and fluxure; as for demonstration,
> Pour water on this floor; 'twill wet and run;
> Likewise the air forc'd thro' a horn, or trumpet,
> Flows instantly away, and leaves behind
> A kind of dew; and hence we do conclude,
> That whatsoe'er hath fluxure and humidity,
> As wanting power to contain itself,
> Is humour. So in every human body,
> The choler, melancholy, phlegm and blood,
> By reason that they flow continually
> In some one part, and are not continent,
> Receive the name of humours. Now thus far,
> ' It may, by metaphor, apply itself
> ' Unto the general disposition;
> ' As when some one peculiar quality
> ' Doth so possess a man, that it doth draw
> ' All his effects, his spirits, and his powers,
> ' In their confluxions all to run one way,'
> *This may be truly said to be a humour.*
> But that a rook by wearing a py'd feather,
> The cable hatband, or the three piled ruff,
> A yard of shoe-tie, or the Switzer's knot
> On his French garters, should affect a humour!
> O! it is more than most ridiculous.

This passage is in the first act of *Every man out of his humour;* and I question not but to some readers, the author will appear to have been out of his wits when he wrote it; but others, I am positive, will discern much excellent ore shining among the rubbish. In truth, his sentiment, when let loose from that stiff

boddice in which it is laced, will amount to this, that as the term humour contains in it the ideas of moisture and fluxure, it was applied to certain moist and flux habits of the body, and afterwards metaphorically to peculiar qualities of the mind, which, when they are extremely prevalent, do, like the predominant humours of the body, flow all to one part, and as the latter are known to absorb and drain off all the corporeal juices and strength to themselves, so the former are no less certain of engaging the affections, spirits, and powers of the mind, and of enlisting them, as it were, into their own service, and under their own absolute command.

Here then we have another pretty adequate notion of humour, which is, indeed, nothing more than a violent bent or disposition of the mind to some particular point. To enumerate, indeed, these several dispositions would be, as Mr. Congreve observes, as endless as to sum up the several opinions of men; nay, as he well says, the *quot homines tot sententiæ* may be more properly interpreted of their humours, than their opinions.

Hitherto there is no mention of the Ridiculous, the idea of which, though not essential to humour, is always included in our notions of it. The Ridiculous is annexed to it these two ways, either by the manner, or the degree in which it is exerted.

By either of these, the very best and worthiest disposition of the human mind may become ridiculous. Excess, says Horace, even in the pursuit of virtue, will lead a wise and good man into folly and vice——So will it subject him to ridicule; for into this, says the judicious Abbé Bellegarde, a man may tumble headlong with an excellent understanding, and with the most laudable qualities. Piety, patriotism, loyalty, parental affection, &c. have all afforded characters of humour for the stage.

By the manner of exerting itself, likewise, a humour becomes ridiculous. By this means chiefly the tragic humour differs from the comic; it is the same ambition which raises our horror in Macbeth, and our laughter at the drunken sailors in the Tempest; the same avarice which causes the dreadful incidents in the Fatal Curiosity of Lillo, and in the Miser of Molière; the same jealousy which forms an Othello, or a suspicious husband. No passion or humour of the mind is absolutely either tragic or comic in itself. Nero had the art of making vanity the object of horror; and Domitian, in one instance, at least, made cruelty ridiculous.

As these tragic modes however never enter into our notion of humour, I will venture to make a small addition to the sentiments of the two great masters I have mentioned, by which I apprehend my description of humour will pretty well coincide with the general opinion. By humour then, I suppose, is generally intended a violent impulse of the mind, determining it to some one particular point, by which a man becomes ridiculously distinguished from all other men.

If there be any truth in what I have now said, nothing can more clearly follow than the manifest repugnancy between humour and good-breeding. The latter being the art of conducting yourself by certain common and general rules, by which means, if they were universally observed, the whole world would appear (as all courtiers actually do) to be, in their external behaviour, at least, but one and the same person.

I have not room at present, if I were able, to enumerate the rules of good-breeding: I shall only mention one, which is a summary of them all. This is the most golden of all rules, no less than that *of doing to all men as you would they should do unto you.*

In the deviation from this law, as I hope to evince

in my next, all that we call humour principally consists. I shall at the same time, I think, be able to shew, that it is to this deviation we owe the general character mentioned in the beginning of this paper, as well as to assign the reasons why we of this nation have been capable of attracting to ourselves such merits in preference to others.

## No. 56. SATURDAY, July 25, 1752.

*Hoc fonte derivata.* Hor.

These are the sources.

At the conclusion of my last paper, I asserted that the summary of good-breeding was no other than that comprehensive and exalted rule, which the greatest authority hath told us is the sum total of all religion and all morality.

Here, however, my readers will be pleased to observe that the subject matter of good-breeding being only what is called behaviour, it is this only to which we are to apply it on the present occasion. Perhaps, therefore, we shall be better understood, if we vary the word, and read it thus: *Behave unto all men, as you would they should behave unto you.*

This will most certainly oblige us to treat all mankind with the utmost civility and respect, there being nothing which we desire more than to be treated so by them. This will most effectually restrain the indulgence

of all those violent and inordinate desires, which, as we have endeavoured to shew, are the true seeds of humour in the human mind; the growth of which good-breeding will be sure to obstruct; or will at least so overtop and shadow, that they shall not appear. The ambitious, the covetous, the proud, the vain, the angry, the debauchee, the glutton, are all lost in the character of the well-bred man; or, if Nature should now and then venture to peep forth, she withdraws in an instant, and doth not shew enough of herself to become ridiculous.

Now humour arises from the very opposite behaviour, from throwing the reins on the neck of our favourite passion, and giving it a full scope and indulgence. The ingenious abbé, whom I quoted in my former paper, paints this admirably in the characters of ill-breeding, which he mentions as the first scene of the ridiculous. 'Ill-breeding (l'impolitesse),' says he, 'is not a single 'defect, it is the result of many. It is sometimes a 'gross ignorance of decorum, or a stupid indolence, 'which prevents us from giving to others what is due 'to them. It is a peevish malignity which inclines us 'to oppose the inclinations of those with whom we con-'verse. It is the consequence of a foolish vanity, which 'hath no complaisance for any other person; the effect 'of a proud and whimsical humour, which soars above 'all the rules of civility; or, lastly, it is produced by a 'melancholy turn of mind, which pampers itself (*qui 'trouve du ragoût*) with a rude and disobliging be-'haviour.'

Having thus shewn, I think very clearly, that good-breeding is, and must be, the very bane of the ridiculous, that is to say, of all humorous characters; it will perhaps be no difficult task to discover why this character hath been in a singular manner attributed to this nation.

For this I shall assign two reasons only, as these seem

to me abundantly satisfactory, and adequate to the purpose.

The first is, that method so general in this kingdom of giving no education to the youth of both sexes; I say general only, for it is not without some few exceptions.

Much the greater part of our lads of fashion return from school at fifteen or sixteen, very little wiser, and not at all the better, for having been sent thither. Part of these return to the place from whence they came, their father's country seats; where racing, cock-fighting, hunting, and other rural sports, with smoking, drinking, and party, become their pursuit, and form the whole business and amusement of their future lives. The other part escape to town, in the diversions, fashion, follies, and vices of which they are immediately initiated. In this academy some finish their studies, while others by their wiser parents are sent abroad, to add the knowledge of the diversions, fashions, follies, and vices of all Europe, to that of those of their own country.

Hence then we are to derive two great general characters of humour, which are the clown and the coxcomb, and both of these will be almost infinitely diversified according to the different passions and natural dispositions of each individual; and according to their different walks in life. Great will be the difference, for instance, whether the country gentleman be a whig or a tory; whether he prefers women, drink, or dogs; so will it be, whether the town spark be allotted to serve his country as a politician, a courtier, a soldier, a sailor, or possibly a churchman (for by draughts from this academy all these offices are supplied); or lastly, whether his ambition shall be contented with no other appellation than merely that of a beau.

Some of our lads, however, are destined to a farther

progress in learning; these are not only confined longer to the labours of a school, but are sent thence to the university. Here, if they please, they may read on; and if they please, they may (as most of them do) let it alone, and betake themselves as their fancy leads, to the imitation of their elder brothers either in town and country.

This is a matter which I shall handle very tenderly, as I am clearly of an opinion that an university education is much the best we have; for here at least there is some restraint laid on the inclinations of our youth. The sportsman, the gamester, and the sot, cannot give such a loose to their extravagance, as if they were at home and under no manner of government; nor can our spark who is disposed to the town pleasures, find either gaming-houses or play-houses, nor half the taverns or bawdy-houses which are ready to receive him in Covent-Garden.

So far however, I hope, I may say without offence, that, among all the schools at the universities, there is none where the science of good-breeding is taught; no lectures like the excellent lessons on the ridiculous, which I have quoted above, and which I do most earnestly recommend to all my young readers. Hence the learned professions produce such excellent characters of humour; and the rudeness of physicians, lawyers, and parsons, however dignified or distinguished, affords such pleasant stories to divert private companies, and sometimes the public.

I come now to the beautiful part of the creation, who in the sense I here use the word, I am assured can hardly (for the most part) be said to have any education.

As to the counterpart of my country squire, the country gentlewoman, I apprehend, that, except in the article of the dancing-master, and perhaps in that of being barely

able to read and write, there is very little difference between the education of many a squire's daughter, and that of his dairymaid, who is most likely her principal companion; nay, the little difference which there is, I am afraid, is not in the favour of the former; who, by being constantly flattered with her beauty and her wealth, is made the vainest and most self-conceited thing alive, at the same time, that such care is taken to instil into her the principles of bashfulness and timidity, that she becomes ashamed and afraid of she knows not what.

If by any chance this poor creature drops afterwards, as it were, into the world, how absurd must be her behaviour! If a man looks at her, she is confounded; and if he speaks to her, she is frightened out of her wits. She acts, in short, as if she thought the whole sex was engaged in a conspiracy to possess themselves of her person and fortune.

This poor girl, it is true, however she may appear to her own sex, especially if she is handsome, is rather an object of compassion than of just ridicule; but what shall we say when time or marriage have carried off all this bashfulness and fear, and when ignorance, awkwardness, and rusticity are embellished with the same degree, though perhaps not the same kind of affectation, which are to be found in a court. Here sure is a plentiful source of all that various humour which we find in the character of a country gentlewoman.

All this, I apprehend, will be readily allowed; but to deny good-breeding to the town lady may be the more dangerous attempt. Here, besides the professors of reading, writing, and dancing, the French and Italian masters, the music-master, and of modern times, the whist-master, all concur in forming this character. The manners-master alone, I am afraid, is omitted. And what is the consequence? not only bashfulness and fear

are entirely subdued, but modesty and discretion are taken off at the same time. So far from running away from, she runs after, the men; and instead of blushing when a modest man looks at her, or speaks to her, she can bear, without any such emotion, to stare an impudent fellow in the face, and sometimes to utter what, if he be not very impudent indeed, may put him to the blush.—Hence all those agreeable ingredients which form the humour of a rampant woman of——the town.

I cannot quit this part of my subject, in which I have been obliged to deal a little more freely than I am inclined with the loveliest part of the creation, without preserving my own character of good-breeding, by saying that this last excess is by much the most rare; and that every individual among my female readers, either is already, or may be when she pleases, an example of a contrary behaviour.

The second general reason why humour so much abounds in this nation, seems to me to arise from the great number of people who are daily raised by trade to the rank of gentry, without having had any education at all; or, to use no improper phrase, without having served any apprenticeship to this calling. But I have dwelt so long on the other branch, that I have no room at present to animadvert on this; nor is it indeed necessary I should, since most readers, with the hints I have already given them, will easily suggest to themselves a great number of humorous characters with which the public have been furnished this way. I shall conclude by wishing, that this excellent source of humour may still continue to flow among us, since, though it may make us a little laughed at, it will be sure to make us the envy of all the nations of Europe.

## No. 59. SATURDAY, August 15, 1752.

—— *Illachrymabiles*
*Urgentur, ignotique longâ*
*Nocte, carent quia vato sacro.* Hor.

Without a tear they fall, without a name,
Unless some sacred bard records their fame.

There is a certain affection of the mind, for which, though it be common enough in the people of this country, we have not, I think, any adequate term in our language. The Greeks, though they likewise want a name for the abstract, called a man so affected ΥΠΕΡΦΡΩΝ, a word which I shall not attempt to translate otherwise than by a paraphrase; I understand by it a man so intoxicated with his own great qualities, that he despises and overlooks all other men. In this sense, the participle passive of the verb *ὑπερφρονέω* is used in Thucydides, *ὑπο τῶν ἐυπρᾶγούντων ὑπερφρονεμενος.* The sentiment is in the mouth of Alcibiades, and it is a very fine one. 'As no man,' says he, 'will even speak to us when we are 'unfortunate, so must they bear in their turn,' to be despised by us when we are intoxicated with our successes.

This disdainful temper, notwithstanding its haughty aspect, proceeds, if I am not much mistaken, from no higher principle than rank timidity. We endeavour to elevate ourselves, and to depress others, lest they should be brought into some competition with ourselves. We are not sufficiently assured of our own footing in the ascent to greatness, and are afraid of suffering any to

come too near us, lest they should pull us down, and advance into our place.

Of this pitiful temper of mind, there are no persons so susceptible as the brethren of the quill. Not only such authors as have been a little singular in their opinions concerning their own merit, and in whom it seems more excusable to bear a jealous eye towards others; but even, those who have far outstripped their fellow-coursers in the race of glory, stretch their scornful eyes behind them, to express their disdain of the poor wretches who are limping and crawling on at however great a distance.

Many are the methods by which this passion is exerted. I shall mention only one, as it is much the most common, and perhaps the most invidious. This is a contemptuous silence. A treatment not much unlike to that which the Buccaneers formerly used to treat their conquered enemies, when they sunk, or as they phrased it, hid them in the sea.

How many names of great writers may we suppose to have been sunk by this base disposition! Homer, as I remember, hath not perpetuated the memory of a single writer, unless that of Thersites, who was, I make no doubt, from the character given of him in the Iliad, an author of no small estimation. And yet there were probably as many of the function in those days, as there are in this; nay, Homer himself in his Odyssey, mentions the great honours which poets then received in the courts of all princes, whence we may very reasonably conclude that they swarmed in those courts, and yet the names of three only of his contemporaries have triumphed over the injuries of time, and the malice of their brethren, so as to reach our age.

The learned Vossius, who seems to have employed no little pains in the matter, hath not been able to preserve

to us many more than two hundred down to the death of Cleopatra, and yet we are assured, that the famous Alexandrian library contained no less than six hundred thousand volumes, of which, as the humour of those ages ran, we may conceive a sixth part at least to have consisted of poetry.

Among the Latins, how many great names may we suppose to have been hid by the affected taciturnity of Virgil, who appears to have mentioned only those writers of quality to whom he made his court! Of his friend Horace, he had not the gratitude to take any notice; much less to repay those praises which this latter poet had so liberally bestowed on him.

Horace again, though so full of compliments to Virgil, of poor Ovid is altogether as cruelly and invidiously silent.

Ovid, who was, I am confident, one of the best-natured of human kind, was of all men most profuse in the praises of his contemporaries; and yet even he hath been guilty of sinking. Numberless were the poets in his time, whose names are no where to be found in his works; nay, he hath played the Buccaneer with two, one of whom is celebrated by Horace, and both of them by Virgil. The learned reader well knows I mean the illustrious names of Bavius and Mævius; whose merits were so prevalent with Virgil, that though they were both his bitter revilers, he could not refrain from transmitting them to posterity. I wish he had dealt as generously by all his censurers, and I make no doubt but we should have been furnished with some hundreds of names, *quæ nunc premit nox.*

Among our own writers, too many have been guilty of this vice. Had Dryden communicated all those who drew their pens against him, he would have preserved as many names from oblivion as a land-tax act; but he

was, I am afraid, so intoxicated with his own merit, that he overlooked and despised all the great satirists who constantly abused, I had almost said libelled, his works, unless they were some other way eminent, besides by their writings, such as Shadwell, who was poet laureat, and Buckingham, who was a duke.

Of all the chief favourites and prime ministers of the muses, the late ingenious Mr. Pope was most free from this scornful silence. He employed a whole work for the purpose of recording such writers as no one without his pains, except he had lived at the same time and in the same street, would ever have heard of. He may indeed be said to have raked many out of the kennels to immortality, which, though in somewhat a stinking condition, is to an ambitious mind preferable to utter obscurity and oblivion; many, I presume, having, with the wretch who burnt the Temple of Ephesus, such a love for fame, that they are willing even to creep into her common sewer.

In humble imitation of this great man, in the only instance of which I am capable of imitating him, I intend shortly to attempt a work of the same kind, in prose I mean, and to endeavour to do justice to a great number of my contemporaries, whose names, for far the greater part, are much less known than they deserve to be. And that I may be the better enabled to execute this generous purpose, I have employed several proper persons to find out these authors. To this end, I have ordered my bookseller to send me in the names of all those apprentices and journeymen of booksellers and printers who at present entertain and instruct the town with their productions. I have besides a very able and industrious person who hath promised me a complete list of all the hands now confined in the several Bridewells in and about the city, which carry on the trade of writing, in any of the branches of

religion, morality, and government; in all which every day produces as some curious essay, treatise, remarks, &c., from those quarters.

I shall conclude this paper with some very fine lines from the third Book of the Dunciad, which gave indeed the first hint to my charitable design; for what a melancholy consideration is it, that all these armies there spoken of should perish in the jaws of utter darkness, and that the names of such worthies should be as short-lived as their works!—The verses are part of a speech of Settle to his son Cibber.

> And see, my son! the hour is on its way,
> That lifts our goddess to imperial sway;
> This fav'rite isle, long sever'd from her reign,
> Dove-like she gathers to her wings again.
> Now look thro' fate! behold the scene she draws!
> What aids, what armies to assert her cause!
> See all her progeny, illustrious sight!
> Behold, and count them as they rise to light.
> As Berecynthia, while her offspring vie
> In homage to the mother of the sky,
> Surveys around her, in the blest abode,
> An hundred sons, and every son a God;
> Not with less glory mighty Dulness crown'd,
> Shall take thro' Grub-street her triumphant round;
> And her Parnassus glancing o'er at once,
> Behold an hundred sons, and each a dunce.

## No. 60. SATURDAY, August 22, 1752.

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'Ὑπὲρ σεαυτȣ μὴ φράσης ἐγκώμια'.

Be not the trumpeter of your own praise.

A French author, a great favourite of mine, and whom I have often quoted in my Lucubrations, observes, 'That 'it is very common for men to talk of themselves, and 'their children, and their family, and always in the 'terms of commendation. But,' says he, 'if those who 'accustom themselves to such narratives could conceive 'how troublesome and tiresome they are to the rest of 'the world, they would possibly learn to contain them-'selves a little better, and to shew more complaisance 'to the patience of their hearers. It is moreover matter 'of great astonishment to me, that men, who are per-'petually praising themselves, scarce ever mention the 'name of another person but in order to abuse it. Per-'haps they intend to avail themselves of the contrast, 'and to recommend their own conduct to general appro-'bation by the censure of their neighbours.'

The motive to the former of these vices is clearly vanity; which, as the ingenious Doctor Young says,

> Makes dear self on well-bred tongues prevail,
> And I the little hero of each tale.

The motive to the latter is malice; and, to say a plain truth, I firmly believe there is no bosom where vanity is to be found in any great degree, which is not at the same time pretty considerably tainted with malice. Praise is a mistress in the pursuit of which every vain

man must have many rivals, and what temper of mind men preserve to a rival need not to be here repeated.

To both these impulses of mind there is no man, I am afraid, so liable as the writer. Fame is sometimes his only pursuit; but this is always blended with his other views, even in the most mercenary, and for this simple reason, that it leads directly to pudding. He must at least respect fame, as the Cit in the play doth his reputation, because the loss of it may tend to loss of money. But, in fact, his views are commonly more noble; vanity, not avarice, is the passion he would feed; and there is scarce an inhabitant of Parnassus, even among the poor of that parish, who will not be more pleased with one who commends his works than with one who gives him a dinner; which being the case, it follows of course that they must be all rivals for the aforesaid mistress, and may consequently be all suspected of bearing malice to each other.

Again, there is no writer who can so easily indulge both these inclinations as the writer of Miscellaneous Essays. It required the genius of Cicero or Bolingbroke to introduce their own praises into every political oration or pamphlet: or the wit of Lucian or South to drag the philosophers and dissenters into almost every subject. But such essayist having a full liberty to write not only what, but on what he pleases, may fill up every page with his own commendations, and with the abuse of all other writers.

When I meditate on these matters I can scarce refrain from taking some praise to myself; I am even vain enough to think the public have some little obligation to me for that silence which I have hitherto so inviolably maintained with regard to my own perfections; and perhaps the more candid among my readers would allow some applause to this forbearance, if they knew what

a sacrifice I make of my own inclinations by thus consulting their ease and pleasure; for surely nothing can equal the satisfaction which a man feels in writing encomiums on himself, unless it be the disgust which every other person is as sure to conceive at reading them.

In this mood of thinking, likewise, I am apt to challenge to myself some degree of merit towards my contemporary writers, especially those who write in my own way. As these gentlemen are, I doubt not, well assured of that immoderate envy which I must bear to their great genius and learning, they will certainly acknowledge, that to confine all this to myself, to smother these scorching flames within my own breast, without suffering even a spark to escape, seems a little to deserve their commendation.

But to deal ingenuously on this occasion, I must acknowledge there are some prudential as well as generous motives to this silence. Two considerations may perhaps be suspected of having some little weight in dissuading a man, even for his own sake, from exhibiting his own praise. First, that he will be sure of being very little read, and in the next place of being much less believed. The fear of this latter fate may likewise have some share in prevailing on a man to stifle his envy, notwithstanding all the pleasure which is to be found in giving it vent. However sweet it was to those great men whose names are recorded in the preface to the Dunciad, and in the Dunciad itself, to abuse the characters of Pope and Swift, and to assert, as they did, that the one wanted humour and the other was no poet; I much doubt whether they would not have bought their pleasure too dear at the price of public scorn, even though the former had treated them with the same silent contempt with which they were treated by the latter. For this reason I shall carefully avoid any satire against

the Popes and Swifts of the present age. Though envy of these great men should boil in my own bosom, I will never suffer it to boil over so as to run abroad into the public.

To suppress two such powerful passions as vanity and envy is by no means an easy task. It requires indeed little less resolution than what animated the Spartan youth who concealed a fox under his garment, and rather than he would produce him openly suffered the vermin to gnaw his very bowels. To say the truth, I am afraid I should not have been able to persevere so long, had I not contrived a certain cunning method of discharging myself in private; and which, as it is a most curious secret, I shall now communicate for the use of others, who, if they pursue the same method, will, I doubt not, meet with the same success.

I will give it by way of receipt; and can truly say, it hath every quality with which remedies are usually recommended; being extremely cheap, easy, safe, and practicable.

### A RECEIPT TO PREVENT THE ILL EFFECTS OF A RAGING VANITY IN AN AUTHOR.

When the fit is at the highest, take a pen, ink, and paper, Q. S. Make a panegyric on yourself; stuff it well with all the cardinal virtues; season to your taste with wit, humour, and learning. You may likewise add, as you see occasion, birth, politeness, and such like.

In the choice of your ingredients be sure to have a particular regard to your sore part. If your ears be sore with any fresh pulling, or your br—ch with any fresh kicking, infuse a double portion of courage. If you have lately betrayed your ignorance so grossly

as to make Ovid guilty of two false quantities in one line, dash plentifully with learning.

If you are publicly known to be an infamous liar, season very high with honour; if you are notoriously sprung from the *dunghill*, take of ancestors from the English history at the least half a dozen. *Et sic de cæteris.*

When you have writ your panegyric you may read it as often as you please; but take care that nobody hears you, and then be sure to—burn your panegyric.

This last operation, I own, will cause some pain, but when it is considered that if you do not burn it yourself other people will; nay, perhaps, will treat it yet worse, and bring it to a much more dishonourable and stinking end, a wise man will soon force himself to the resolution of putting his panegyric beyond the reach of malice.

As to the cure of envy I need not give the receipt for it at length. It is sufficient to direct the choice of the very contrary ingredients; that is to say, instead of all the good make use of all the bad qualities both of the head and heart.

And here likewise you are to examine your own sore part; if any man hath ridiculed you with wit and humour, take of blockhead, dunce, and fool, of each three penfuls. If another hath kicked and cuffed you lustily, be sure to becoward him well; and if the assault was in public, before the eyes of many gentlemen, the word coward can never be too often repeated.

But with regard to this last great caution must be had; first, that the person so to be becowarded be first under a prosecution at law for the assault; and secondly, that he be then out of the kingdom. These precautions are however useless, if you apply your satire, as you are

above advised to apply your panegyric, I mean to the flames; otherwise they will be abundantly necessary to prevent your ears from being pulled, till they resemble those of the ass lately exposed at the Bedford Coffee-house.

I shall conclude this paper with two quotations; the first is from the mouth of Socrates. 'Never speak of 'yourself; for he who commends himself is vain; and 'he who abuses himself is absurd.' The other is from the witty Dr. South. He advises an abusive writer 'to 'be, of all others, most circumspect as to his own actions, 'seeing he is so sure of meeting with no quarter.' A man must, indeed, be most furiously mad, who sets up for a satirist, when it is scarce possible for him to discharge a single vice at any other that will not recoil on himself. In a word, with my friend Horace, *melius non tangere clamo.* A hint which those of my contemporary writers who understand Latin will for the future, I hope, observe.

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## No. 61. SATURDAY, August 29, 1752.

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Τὸν ἐλάττω μὴ ἀποσκυθαλίσῃς. CLEOBUL.

Do not despise your inferiors.

There is not in human nature a more odious disposition than a proneness to contempt. Nor is there any which more certainly denotes a bad mind; for in a good and benign temper there can be no room for this sensation. That which constitutes an object of contempt to the

malevolent, becomes the object of other passions to a worthy and good-natured man; for in such a person wickedness and vice must raise hatred and abhorrence; and weakness and folly will be sure to excite compassion; so that he will find no object of his contempt in all the actions of men.

And however detestable this quality, which is a mixture of pride and ill-nature, may appear when considered in the serious school of Heraclitus, it will present no less absurd and ridiculous an idea to the laughing sect of Democritus, especially as we may observe, that the meanest and basest of all human beings are generally the most forward to despise others. So that the most contemptible are generally the most contemptuous.

I have often wished that some of those curious persons who have employed their time in inquiring into the nature and actions of several insects, such as bees and ants, had taken some pains to examine whether they are not apt to express any contemptuous behaviour one towards another; the plain symptoms of which might possibly be discovered by the help of microscopes. It is scarce conceivable that the queen bee, amongst the hundred gallants which she keeps for her own recreation, should not have some especial favourites, and it is full as likely, that these favourites will so carry themselves towards their brethren as to display sufficient marks of their contempt to the eye of an accurate discoverer in the manners of the reptile world. For my own part, I have remarked many instances of contempt amongst animals, which I have farther observed to increase in proportion to the decrease of such species in the rank and order of the animal creation. Mr. Ellis informs me that he never could discover any the least indication of contempt in the lions under his care; the horse, I am sorry to say it, gives us some, the ass many

more, the turkey-cock more still, and the toad is supposed to burst itself frequently with the violence of this passion. To pursue it gradually downwards would be too tedious. It may be reasonably supposed to arrive at a prodigious height before it descends to the louse. With what a degree of contempt may we conceive that a substantial freeholder of this kind, who is well established in the head of a beggar-wench, considers a poor vagabond louse who hath strayed into the head of a woman of quality; where it is in hourly danger of being arrested by the merciless hands of her woman!

This may perhaps seem to some a very ridiculous image, and as ridiculous as I apprehend to a being of a superior order, will appear a contemptuous man; one puffed up with some trifling, perhaps fancied superiority, and looking round him with disdain on those who are perhaps so nearly his equals, that to such a being as I have just mentioned, the difference may be as inconsiderable and imperceptible between the despiser and the despised, as the difference between two of the meanest insects may seem to us.

And as a very good mind, as I have before observed, will give no entertainment to any such affection; so neither will a sensible mind, I am persuaded, find much opportunity to exert it. If men would make but a moderate use of that self-examination, which philosophers and divines have recommended to them, it would tend greatly to the cure of this disposition. Their contempt would then perhaps, as their charity is said to do, begin at home. To say truth, a man hath this better chance of despising himself than he hath of despising others, as he is likely to know himself best.

But I am sliding into a more serious vein than I intended. In the residue of this paper, therefore, I will confine myself to one particular consideration only, one

which will give as ridiculous an idea of contempt, and afford as strong dissuasives against it, as any other which at present suggests itself.

The consideration I mean is, that contempt is, generally at least, mutual, and that there is scarce any one man who despises another without being at the same time despised by him, of which I shall endeavour to produce some few instances.

As the Right Honourable the Lord Squanderfield, at the head of a vast retinue, passes by Mr. Moses Buckram, citizen and tailor, in his chaise and one, 'See 'there!' says my lord, with an air of the highest contempt, 'That rascal Buckram, with his fat wife, I sup- 'pose he is going to his country-house, for such fellows 'must have their country-house as well as their vehicle. 'These are the rascals that complain of want of trade.' Buckram, on the other side, is no sooner recovered from the fear of being run over, before he could get out of the way, than, turning to his wife, he cries, 'Very fine, faith! 'an honest citizen is to be run over by such fellows as 'these, who drive about their coaches and six with other 'people's money. See, my dear! what an equipage he 'hath! and yet he cannot find money to pay an honest 'tradesman! He is above fifteen hundred pounds deep 'in my books; how I despise such lords!'

Lady Fanny Rantun, from the side-box, casting her eyes on an honest pawnbroker's wife below her, bids Lady Betty, her companion, take notice of that creature in the pit; 'Did you ever see, Lady Betty,' says she, 'such a strange wretch? how the awkward monster is 'dressed!'—The good woman at the same time surveying Lady Fanny, and offended, perhaps, at a scornful smile which she sees in her countenance,—whispers her friend,——'Observe Lady Fanny Rantun; as great airs 'as that fine lady gives herself, my husband hath all her

'jewels under lock and key; what a contemptible thing 'is poor quality!'

Is there on earth a greater object of contempt than a poor scholar to a splendid beau; unless perhaps the splendid beau to the poor scholar; the philosopher and the world, the man of business and the man of pleasure, the beauty and the wit, the hypocrite and the profligate, the covetous and the squanderer, are all alike instances of this reciprocal contempt.

Take the same observations into the lowest life, and we shall find the same proneness to despise each other. The common soldier, who hires himself out to be shot at for five-pence a day, who is the only slave in a free country, and is liable to be sent to any part of the world without his consent, and whilst at home subject to the severest punishments for offences which are not to be found in our law books; yet this noble personage looks with a contemptuous air on all his brethren of that order in the commonwealth, whether of mechanics or husbandmen, from whence he was himself taken. On the other hand, however adorned with his brickdust-coloured cloth, and bedaubed with worsted lace of a penny a yard, the very gentleman soldier is as much despised in his turn by the whistling carter, who comforts himself that he is a free Englishman, and will live with no master any longer than he likes him; nay, and though he never was worth twenty shillings in his life, is ready to answer a captain if he offends him,—'D—n you, Sir, who are 'you? is it not WE that pays you?'

This contemptuous disposition is, in reality, the sure attendant on a mean and bad mind in every station; on the contrary, a great and good man will be free from it, whether he be placed at the top or bottom of life. I was therefore not a little pleased with a rebuke given by a black-shoe boy to another, who had expressed his con-

tempt of one of the modern town-smarts. 'Why should 'you despise him, Jack?' said the honest lad; 'we are 'all what the Lord pleased to make us.'

I will conclude this paper with a story which a gentleman of honour averred to me to be truth. His coach being stopped in Piccadilly by two or three carts, which, according to custom, were placed directly across the way; he observed a very dirty fellow, who appeared to belong to a mud-cart, give another fellow several lashes with his whip, and at the time heard him repeat more than once—'D—n you, I will teach you manners 'to your betters.' My friend could not easily from these words divine what might possibly be the station of the unhappy sufferer, till at length, to the great satisfaction of his curiosity, he discovered that he was the driver of a dust-cart drawn by asses.

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# ESSAY ON NOTHING.

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## THE INTRODUCTION.

It is surprising, that while such trifling matters employ the masterly pens of the present age, the great and noble subject of this Essay should have passed totally neglected; and the rather, as it is a subject to which the genius of many of those writers who have unsuccessfully applied themselves to politics, religion, &c., is most peculiarly adapted.

Perhaps their unwillingness to handle what is of such importance may not improperly be ascribed to their modesty; though they may not be remarkably addicted to this vice on every occasion. Indeed I have heard it predicated of some, whose assurance in treating other subjects hath been sufficiently notable, that they have blushed at this. For such is the awe with which this Nothing inspires mankind, that I believe it is generally apprehended of many persons of very high character among us, that were title, power, or riches to allure them, they would stick at it.

But whatever be the reason, certain it is, that except a hardy wit in the reign of Charles II. none ever hath dared to write on this subject: I mean openly and avowedly; for it must be confessed, that most of our modern authors, however foreign the matter which they endeavour to treat

may seem at their first setting out, they generally bring the work to this in the end.

I hope, however, this attempt will not be imputed to me as an act of immodesty; since I am convinced there are many persons in this kingdom who are persuaded of my fitness for what I have undertaken. But as talking of a man's self is generally suspected to arise from vanity, I shall, without any more excuse or preface, proceed to my Essay.

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## SECTION I.

### *Of the Antiquity of Nothing.*

THERE is nothing falser than that old proverb which (like many other falsehoods) is in every one's mouth:

*Ex nihilo nihil fit.*

Thus translated by Shakspeare, in Lear:

Nothing can come of nothing.

Whereas in fact from Nothing proceeds every thing. And this is a truth confessed by the philosophers of all sects: the only point in controversy between them being, whether Something made the world out of Nothing, or Nothing out of Something. A matter not much worth debating at present, since either will equally serve our turn. Indeed the wits of all ages seem to have ranged themselves on each side of this question, as their genius tended more or less to the spiritual or material substance. For those of the more spiritual species have inclined to the former, and those whose genius hath partaken more

of the chief properties of matter, such as solidity, thickness, &c., have embraced the latter.

But whether Nothing was the *artifex* or *materies* only, it is plain in either case, it will have a right to claim to itself the origination of all things.

And farther, the great antiquity of Nothing is apparent from its being so visible in the accounts we have of the beginning of every nation. This is very plainly to be discovered in the first pages, and sometimes books, of all general historians; and indeed, the study of this important subject fills up the whole life of an antiquary, it being always at the bottom of his inquiry, and is commonly at last discovered by him with infinite labour and pains.

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## SECTION II.

### *Of the Nature of Nothing.*

ANOTHER falsehood which we must detect in the pursuit of this essay is an assertion, 'That no one can have an 'idea of nothing:' but men who thus confidently deny us this idea, either grossly deceive themselves, or would impose a downright cheat on the world: for, so far from having none, I believe there are few who have not many ideas of it; though perhaps they may mistake them for the idea of Something.

For instance, is there any one who hath not an idea of immaterial* substance?—Now what is immaterial sub-

* The Author would not be here understood to speak against the doctrine of immateriality, to which he is a hearty well-wisher; but to point at the stupidity of those, who instead of immaterial *essence*, which would convey a rational meaning, have substituted immaterial *substance*, which is a contradiction in terms.

stance, more than nothing? But here we are artfully deceived by the use of words: for were we to ask another what idea he had of immaterial matter, or unsubstantial substance, the absurdity of affirming it to be Something would shock him, and he would immediately reply, it was Nothing.

Some persons perhaps will say, then we have no idea of it; but, as I can support the contrary by such undoubted authority, I shall, instead of trying to confute such idle opinions, proceed to shew; first, what Nothing is: secondly, I shall disclose the various kinds of Nothing; and, lastly, shall prove its great dignity, and that it is the end of every thing.

It is extremely hard to define Nothing in positive terms, I shall therefore do it in negative. Nothing then is not Something. And here I must object to a third error concerning it, which is, that it is in no place; which is an indirect way of depriving it of its existence; whereas indeed it possesses the greatest and noblest place on this earth; viz., the human brain. But indeed this mistake hath been sufficiently refuted by many very wise men; who, having spent their whole lives in the contemplation and pursuit of Nothing, have at last gravely concluded—*That there is Nothing in this world.*

Farther, as Nothing is not Something, so every thing which is not Something is Nothing; and wherever Something is not Nothing is: a very large allowance in its favour, as must appear to persons well skilled in human affairs.

For instance, when a bladder is full of wind, it is full of Something; but when that is let out, we aptly say, there is Nothing in it.

The same may be as justly asserted of a man as of a bladder. However well he may be bedaubed with lace, or with title, yet if he have not Something in him,

we may predicate the same of him as of an empty bladder.

But if we cannot reach an adequate knowledge of the true essence of Nothing, no more than we can of matter, let us, in imitation of the experimental philosophers, examine some of its properties or accidents.

And here we shall see the infinite advantages which Nothing hath over Something; for, while the latter is confined to one sense, or two perhaps at the most, Nothing is the object of them all.

For, first, Nothing may be seen, as is plain from the relation of persons who have recovered from high fevers; and perhaps may be suspected from some (at least) of those who have seen apparitions, both on earth and in the clouds. Nay, I have often heard it confessed by men, when asked what they saw at such a place and time, that they saw Nothing. Admitting then that there are two sights, viz. a first and second sight, according to the firm belief of some, Nothing must be allowed to have a very large share of the first; and as to the second, it hath it all entirely to itself.

Secondly, Nothing may be heard: of which the same proofs may be given as of the foregoing. The Argive mentioned by Horace is a strong instance of this.

> ——*Fuit haud ignobilis Argis*
> *Qui se credebat miros audire Tragœdos*
> *In vacuo lætos sessor, Plausorque Theatro.*

That Nothing may be tasted and smelt is not only known to persons of delicate palates and nostrils. How commonly do we hear, that such a thing smells or tastes of Nothing? The latter I have heard asserted of a dish compounded of five or six savoury ingredients. And as to the former, I remember an elderly gentlewoman who

had a great antipathy to the smell of apples; who, upon discovering that an idle boy had fastened some mellow apple to her tail, contracted a habit of smelling them whenever that boy came within her sight, though there were then none within a mile of her.

Lastly, feeling; and sure if any sense seems more particularly the object of matter only, which must be allowed to be Something, this doth. Nay, I have heard it asserted (and with a colour of truth) of several persons, that they can feel nothing but a cudgel. Notwithstanding which some have felt the motions of the spirit; and others have felt very bitterly the misfortunes of their friends, without endeavouring to relieve them. Now these seem two plain instances, that Nothing is an object of this sense. Nay, I have heard a surgeon declare, while he was cutting off a patient's leg, that *he was sure he felt Nothing.*

Nothing is as well the object of our passions as our senses. Thus there are many who love Nothing, some who hate Nothing, and some who fear Nothing, &c.

We have already mentioned three of the properties of a noun to belong to Nothing; we shall find the fourth likewise to be as justly claimed by it: and that Nothing is as often the object of the understanding as of the senses.

Indeed some have imagined that knowledge, with the adjective *human* placed before it, is another word for Nothing. And one of the wisest men in the world declared he knew Nothing.

But, without carrying it so far, this I believe may be allowed, that it is at least possible for a man to know Nothing. And whoever hath read over many works of our ingenious moderns, with proper attention and emolument, will, I believe, confess, that if he understands them right, he understands Nothing.

This is a secret not known to all readers; and want

of this knowledge hath occasioned much puzzling; for where a book, or chapter, or paragraph, hath seemed to the reader to contain Nothing, his modesty hath sometimes persuaded him, that the true meaning of the author hath escaped him, instead of concluding, as in reality the fact was, that the author, in the said book, &c. did truly, and *bonâ fide*, mean Nothing. I remember once, at the table of a person of great eminence, and one no less distinguished by superiority of wit than fortune, when a very dark passage was read out of a poet famous for being so sublime that he is often out of the sight of his reader, some persons present declared they did not understand the meaning. The gentleman himself, casting his eye over the performance, testified a surprise at the dulness of his company; seeing Nothing could, he said, possibly be plainer than the meaning of the passage which they stuck at. This set all of us to puzzling again; but with like success; we frankly owned we could not find it out, and desired he would explain it.—Explain it! said the gentleman, why he means Nothing.

In fact, this mistake arises from a too vulgar error among persons unacquainted with the mystery of writing, who imagine it impossible that a man should sit down to write without any meaning at all! whereas, in reality, nothing is more common: for, not to instance in myself, who have confessedly set down to write this essay with Nothing in my head, or, which is much the same thing, to write about Nothing, it may be incontestably proved, *ab effectu*, that Nothing is commoner among the moderns. The inimitable author of a preface to the Posthumous Eclogues of a late ingenious young gentleman, says,—'There are men who sit down to write 'what they think, and others to think what they shall 'write. But indeed there is a third, and much more 'numerous sort, who never think either before they sit

'down or afterwards; and who, when they produce on 'paper what was before in their heads, are sure to pro- 'duce Nothing.'

Thus we have endeavoured to demonstrate the nature of Nothing, by shewing first, definitively, *what it is not;* and, secondly, by describing *what it is.* The next thing therefore proposed is to shew its various kinds.

Now some imagine these several kinds differ in name only. But without endeavouring to confute so absurd an opinion, especially as these different kinds of Nothing occur frequently in the best authors, I shall content myself with setting them down, and leave it to the determination of the distinguished reader, whether it is probable, or indeed possible, that they should all convey one and the same meaning.

These are, Nothing *per se* Nothing; Nothing at all; Nothing in the least; Nothing in nature; Nothing in the world; Nothing in the whole world; Nothing in the whole universal world. And perhaps many others of which we say—Nothing.

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## SECTION III.

*Of the Dignity of Nothing; and an endeavour to prove, that it is the end as well as beginning of all things.*

Nothing contains so much dignity as Nothing. Ask an infamous worthless nobleman (if any such be) in what his dignity consists? It may not be perhaps consistent with his dignity to give you an answer, but suppose he should be willing to condescend so far, what could he in effect say? Should he say he had it from his

ancestors, I apprehend a lawyer would oblige him to prove, that the virtues to which his dignity was annexed descended to him. If he claims it as inherent in the title, might he not be told, that a title originally implied dignity, as it implied the presence of those virtues to which dignity is inseparably annexed; but that no implication will fly in the face of downright positive proof to the contrary. In short, to examine no farther, since his endeavour to derive it from any other fountain would be equally impotent, his dignity arises from Nothing, and in reality is Nothing. Yet, that this dignity really exists; that it glares in the eyes of men, and produces much good to the person who wears it, is, I believe, incontestable.

Perhaps this may appear in the following syllogism.

The respect paid to men on account of their titles is paid at least to the supposal of their superior virtues and abilities, or it is paid to Nothing.

But when a man is a notorious knave or fool it is impossible there should be any such supposal.

The conclusion is apparent.

Now that no man is ashamed of either paying or receiving this respect I wonder not, since the great importance of Nothing seems, I think, to be pretty apparent: but that they should deny the Deity worshipped, and endeavour to represent Nothing as Something, is more worthy reprehension. This is a fallacy extremely common. I have seen a fellow, whom all the world knew to have Nothing in him, not only pretend to Something himself, but supported in that pretension by others who have been less liable to be deceived. Now whence can this proceed but from their being ashamed of Nothing? A modesty very peculiar to this age.

But, notwithstanding all such disguises and deceit,

a man must have very little discernment who can live very long in courts, or populous cities, without being convinced of the great dignity of Nothing; and though he should, through corruption or necessity, comply with the vulgar worship and adulation, he will know to what it is paid; namely, to Nothing.

The most astonishing instance of this respect, so frequently paid to Nothing, is when it is paid (if I may so express myself) to something less than Nothing; when the person who receives it is not only void of the quality for which he is respected, but is in reality notoriously guilty of the vices directly opposite to the virtues whose applause he receives. This is, indeed, the highest degree of Nothing, or (if I may be allowed the word), the Nothingest of all Nothings.

Here it is to be known, that respect may be aimed at Something and really light on Nothing. For instance, when mistaking certain things called gravity, canting, blustering, ostentation, pomp, and such like, for wisdom, piety, magnanimity, charity, true greatness, &c., we give to the former the honour and reverence due to the latter. Not that I would be understood so far to discredit my subject as to insinuate that gravity, canting, &c. are really Nothing; on the contrary, there is much more reason to suspect (if we judge from the practice of the world) that wisdom, piety, and other virtues, have a good title to that name. But we do not, in fact, pay our respect to the former, but to the latter: in other words, we pay it to that which is not, and consequently pay it to Nothing.

So far then for the dignity of the subject on which I am treating. I am now to shew, that Nothing is the end as well as beginning of all things.

That every thing is resolvable, and will be resolved into its first principles, will be, I believe, readily acknow-

ledged by all philosophers. As, therefore, we have sufficiently proved the world came from Nothing, it follows, that it will likewise end in the same: but as I am writing to a nation of Christians, I have no need to be prolix on this head; since every one of my readers, by his faith, acknowledges that the world is to have an end, *i.e.* is to come to Nothing.

And, as Nothing is the end of the world, so is it of every thing in the world. Ambition, the greatest, highest, noblest, finest, most heroic and godlike of all passions, what doth it end in?—Nothing. What did Alexander, Cæsar, and all the rest of that heroic band, who have plundered and massacred so many millions, obtain by all their care, labour, pain, fatigue, and danger?—Could they speak for themselves, must they not own, that the end of all their pursuit was Nothing? Nor is this the end of private ambition only. What is become of that proud mistress of the world,—the *Caput triumphati orbis?* that Rome, of which her own flatterers so liberally prophesied the immortality. In what hath all her glory ended? Surely in Nothing.

Again, what is the end of avarice? Not power, or pleasure, as some think, for the miser will part with a shilling for neither: not ease or happiness; for the more he attains of what he desires, the more uneasy and miserable he is. If every good in this world was put to him, he could not say he pursued one. Shall we say then he pursues misery only? That surely would be contradictory to the first principles of human nature. May we not therefore, nay, must we not confess, that he aims at Nothing? especially if he be himself unable to tell us what is the end of all this bustle and hurry, this watching and toiling, this self-denial and self-constraint?

It will not, I apprehend, be sufficient for him to plead

that his design is to amass a large fortune, which he never can nor will use himself, nor would willingly quit to any other person; unless he can shew us some substantial good which this fortune is to produce, we shall certainly be justified in concluding, that his end is the same with that of ambition.

The great Mr. Hobbes so plainly saw this, that as he was an enemy to that notable immaterial substance which we have here handled, and therefore unwilling to allow it the large province we have contended for, he advanced a very strange doctrine, and asserted truly, —That in all these grand pursuits the means themselves were the end proposed, viz. to ambition, plotting, fighting, danger, difficulty, and such like:—to avarice, cheating, starving, watching, and the numberless painful arts by which this passion proceeds.

However easy it may be to demonstrate the absurdity of this opinion it will be needless to my purpose, since, if we are driven to confess that the means are the only end attained, I think we must likewise confess, that the end proposed is absolutely Nothing.

As I have shewn the end of our two greatest and noblest pursuits, one or other of which engages almost every individual of the busy part of mankind, I shall not tire the reader with carrying him through all the rest, since I believe the same conclusion may be easily drawn from them all.

I shall therefore finish this Essay with an inference, which aptly enough suggests itself from what hath been said: seeing that such is its dignity and importance, and that it is really the end of all those things which are supported with so much pomp and solemnity, and looked on with such respect and esteem, surely it becomes a wise man to regard Nothing with the utmost awe and adoration; to pursue it with all his parts and

pains; and to sacrifice to it his ease, his innocence, and his present happiness. To which noble pursuit we have this great incitement, that we may assure ourselves of never being cheated or deceived in the end proposed. The virtuous, wise, and learned, may then be unconcerned at all the changes of ministries and of government; since they may be well satisfied, that while ministers of state are rogues themselves, and have inferior knavish tools to bribe and reward; true virtue, wisdom, learning, wit, and integrity, will most certainly bring their possessors—Nothing.

A

# CHARGE

DELIVERED TO

# THE GRAND JURY,

AT THE

## SESSIONS OF THE PEACE

HELD FOR

THE CITY AND LIBERTY OF WESTMINSTER, &c.

ON THURSDAY, THE 29TH OF JUNE, 1749.

A

# CHARGE

DELIVERED TO

# THE GRAND JURY,

*&c.*

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Gentlemen of the Grand Jury,

THERE is no part in all the excellent frame of our constitution which an Englishman can, I think, contemplate with such delight and admiration; nothing which must fill him with such gratitude to our earliest ancestors, as that branch of British liberty from which, gentlemen, you derive your authority of assembling here on this day.

The institution of juries, gentlemen, is a privilege which distinguishes the liberty of Englishmen from those of all other nations; for as we find no traces of this in the antiquities of the Jews, or Greeks, or Romans, so it is an advantage which is at present solely confined to this country; not so much, I apprehend, from the reasons assigned by Fortescue, in his book *de Laudibus*, *cap.* 29, namely, 'because there are more husbandmen and 'fewer freeholders in other countries,' as because other countries have less of freedom than this; and, being for the most part subjected to the absolute wills of their governors, hold their lives, liberties, and properties, at the discretion of those governors, and not under the

protection of certain laws. In such countries it would be absurd to look for any share of power in the hands of the people.

And, if juries in general be so very signal a blessing to this nation, as Fortescue, in the book I have just cited, thinks it: 'A method,' says he, 'much more available 'and effectual for the trial of truth than is the form of 'any other laws of the world, as it is farther from the 'danger of corruption and subornation,' what, gentlemen, shall we say of the institution of grand juries, by which an Englishman, so far from being convicted, cannot be even tried, nor even put on his trial in any capital case, at the suit of the crown; unless, perhaps, in one or two very special instances, till twelve men, at the least, have said on their oaths that there is a probable cause for his accusation! Surely we may, in a kind of rapture, cry out with Fortescue, speaking of the second jury, 'Who then can unjustly die in 'England for any criminal offence, seeing he may have 'so many helps for the favour of his life, and that none 'may condemn him but his neighbours, good and law-'ful men, against whom he hath no manner of ex-'ception?'

To trace the original of this great and singular privilege, or to say when and how it began, is not an easy task; so obscure indeed are the footsteps of it through the first ages of our history, that my Lord Hale, and even my Lord Coke, seem to have declined it. Nay, this latter, in his account of his second or petty jury is very succinct; and contents himself with saying, *Co. Lit.* 155. *b.* that it is very ancient, and before the Conquest.

Spelman, in his Life of Alfred, lib. ii. page 71, will have that prince to have been the first founder of juries, but in truth they are much older; and very probably

had some existence even among the Britons. The Normans likewise had anciently the benefit of juries, as appears in the Custumier de Normandy; and something like grand juries too we find in that book under the title Suit de Murdyr.

Bracton, who wrote in the reign of Henry III., in his book *de Corona*, *cap.* 1, gives a plain account of this matter; and by him it appears, that the grand juries before the justices in eyre differed very little at that time from what they now are before justices assigned to keep the peace, oyer, and terminer, and gaol-delivery, unless in the manner of choosing them, and unless in one other respect; there being then a grand jury sworn for every hundred; whereas, at present, one serves for the whole county, liberty, &c.

But before this time our ancestors were sensible of the great importance of this privilege, and extremely jealous of it, as appears by the twenty-ninth chapter of the great charter, granted by King John, and confirmed by Henry III. For thus my Lord Coke, 2 Instit. 46, expounds that chapter. *Nullus liber homo capiatur*, &c. 'No 'man shall be taken, that is,' says he, 'restrained of 'liberty, by petition or suggestion to the king and his 'council; unless it be by indictment or presentment 'of good and lawful men, where such deeds be done.'

And so just a value have our ancestors always set on this great branch of our liberties, and so jealous have they been of any attempt to diminish it, that when a commission to punish rioters in a summary way was awarded, in the second year of Richard II., 'it was,' says Mr. Lambard in his Eirenarcha, fol. 305, 'even 'in the self-same year of the same king, resumed, as 'a thing over hard,' says that writer, 'to be borne, 'that a freeman should be imprisoned without an in- 'dictment, or other trial, by his peers, as Magna

'Charta speaketh; until that the experience of greater 'evils had prepared and made the stomach of the 'commonwealth able and fit to digest it.'

And a hard morsel surely it must have been, when the commonwealth could not digest it in that turbulent reign, which, of all others in our history, seems to have afforded the most proper ingredients to make it palatable; in a reign, moreover, when the commonwealth seemed to have been capable of swallowing and digesting almost any thing; when judges were so prostituted as to acknowledge the king to be above the law; and when a parliament, which even Echard censures, and for which Mr. Rapin, with a juster indignation, tells us, he knows no name odious enough, made no scruple to sacrifice to the passions of the king, and his ministers, the lives of the most distinguished lords of the kingdom, as well as the liberties and privileges of the people. Even in that reign, gentlemen, our ancestors could not, as Mr. Lambard remarks, be brought by any necessity of the times to give up, in any single instance, this their invaluable privilege.

Another considerable attempt to deprive the subject of the benefit of grand juries was made in the eleventh year of Henry VII. The pretence of this act of parliament was the wilful concealment of grand jurors in their inquests; and by it 'power was given to the 'justices of assize in their sessions, and to the justices 'of peace in every county, upon information for the 'king, to hear and determine all offences and con-'tempts (saving treason, murder, or felony) by any 'person against the effect of any statute.'

My Lord Coke, in his 4th Institute, fol. 40, sets forth this act at large, not as a law which in his time had any force, but *in terrorem;* and, as he himself says,

that the like should never be attempted in any future parliament.

'This act,' says Lord Coke, 'had a fair flattering 'preamble; but in the execution, tended diametrically 'contrary; viz. to the high displeasure of Almighty 'God, and to the great let, nay, the utter subversion 'of the common law; namely, by depriving the sub-'ject of that great privilege of being indicted and tried 'by a jury of their countrymen.'

By pretext of this law, says the great writer I have just cited, Empson and Dudley did commit upon the subject insufferable pressures and oppressions. And we read in history, that soon after the act took place, Sir William Capel, alderman of London, who was made the first object of its tyranny, was fined two thousand seven hundred pounds, sixteen hundred of which he actually paid to the king, by way of composition. A vast sum, in those days, to be imposed for a crime so minute that scarce any notice is taken of it in history.

Our ancestors, however, bore not long this invasion on their liberties; for in the very first year of King Henry VIII. this flagitious act was repealed, and the advisers of all the extortions committed by it were deservedly sacrificed to the public resentment.

Gentlemen, I shall mention but two more attacks on this most valuable of all our liberties; the first of which was indeed the greatest of all, I mean that cursed Court of Star-Chamber, which was erected under the same king.

I shall not before you, gentlemen, enter into a contest with my Lord Coke whether this court had a much older existence, or whether it first began under the statute of 3 Henry VII. For my part, I clearly think the latter.

I. Because the statute which erects it mentions no

such court as then existing, and most manifestly speaks the language of creation, not of confirmation.

II. Because it was expressly so understood by the judges, within five years after the statute was made, as appears by the year-book of 8 Henry VII. *Pasch.* fol. 13. *Plac.* 7.

Lastly, Because all our historians and law writers before that time are silent concerning any such court; for as to the records and acts of parliament cited by my Lord Coke, they are most evidently to be applied only to the king and council, to whom, in old time, complaints were, in very extraordinary cases, preferred.

This old court, my Lord Coke himself confesses, sat very rarely; so rarely indeed, that there are no traces left of its proceedings, at least of any such as were afterwards had under the authority of the statute. Had this court had an original existence in the constitution, I do not see why the great lawyer is so severe against the before-mentioned act of the eleventh of Henry VII. or how he can, with any propriety, call the liberty of being accused and tried only by juries the birthright of an English subject.

The other instance was that of the High Commission Court, instituted by parliament in the first year of Queen Elizabeth.

The act likewise pretends to refer to an authority in being. The title of it is, 'An Act restoring to the Crown 'the ancient jurisdiction,' &c. By which, saith Lord Coke, 4 Inst. 325. the nature of the act doth appear, viz. that it is an act of restitution.

And hence the Court of Common Pleas, in the reign of James I. well argued, that the act being meant to restore to the crown the ancient ecclesiastical jurisdiction, the commissioners could derive no other power from it than before belonged to that ecclesiastical jurisdiction.

But however necessary, as my Lord Coke says, 4 Inst. 326, this act might have been at its first creation, or however the intention of the legislature might have been to restrain it, either as to time or persons, certain it is, that the commissioners extended its jurisdiction in many cases, to the great grievance of the subject, and to the depriving them of that privilege which I have just mentioned to be the birthright of an Englishman.

The uses made of these courts, and particularly under that unhappy prince Charles I. need not be mentioned. They are but too well known. Let it suffice, that the spirit of our ancestors at last prevailed over these invasions of their liberties, and these courts were for ever abolished.

And, gentlemen, if we have just reason to admire the great bravery and steadiness of those our ancestors, in defeating all the attempts of tyranny against this excellent branch of our constitution, we shall have no less reason, I apprehend, to extol that great wisdom which they have from time to time demonstrated, in well ordering and regulating their juries; so as to preserve them as clear as possible from all danger of corruption. In this light, gentlemen, we ought to consider the several laws by which the morals, the character, the substance, and good demeanour of jurors are regulated. These jurors, gentlemen, must be good and lawful men, of reputation and substance in their country, chosen at the nomination of neither party, absolutely disinterested and indifferent in the cause which they are to try. Upon the whole, the excellence of our constitution, and the great wisdom of our laws, which Fortescue, my Lord Coke, and many other great writers, have so highly extolled, is in no one instance so truly admirable as in this institution of our juries.

I hope, gentlemen, I shall not be thought impertinent

in having taken up so much of your time to shew you the great dignity and importance of that office which you are now assembled here to execute; the duties of which it is incumbent on me concisely to open to you; and this I shall endeavour in the best manner I am able.

The duty, gentlemen, of a grand juror, is to inquire of all crimes and misdemeanours whatsoever, which have been committed in the county or liberty for which he serves as a grand juror, and which are anywise cognizable by the court in which he is sworn to inquire.

And this inquiry is in a twofold manner, by way of indictment and by way of presentment.

Which two words Mr. Lambard, fol. 461, thus explains:

A presentment, says he, I take to be a mere determination of the jurors themselves; and an indictment is the verdict of the jurors, grounded upon the accusation of a third person; so that a presentment is but a declaration of the jurors, without any bill offered before; and an indictment is their finding a bill of accusation to be true.

The usual method of charge hath been to run over the several articles, or heads of crimes, which might possibly become subject to the inquiry of the grand jury.

This we find in Bracton, who writ so long ago as the reign of Henry III. was the practice of the justices in Eyre, l. iii. c. 1. And my Lord Coke says, 4 Inst. 183, that the charge to be given at the sessions of the peace consisteth of two parts; laws ecclesiastical for the peace of the church, and laws civil and temporal for the peace of the land. And Mr. Lambard, in his Eirenarcha, gives the whole form of the charge at length, in which he recapitulates every article which was at that time inquirable in the sessions.

But, gentlemen, I think I may be excused at present

from taking up so much of your time; for though we are assembled to exercise the jurisdiction of a very ancient and honourable liberty, yet, as there is another sessions of justices within that county of which this liberty is a part, before whom indictments for all crimes of the deeper dye are usually preferred, it seems rather to savour of ostentation than utility, to run over those articles which in great probability will not come before you.

And indeed a perfect knowledge of the law in these matters is not necessary to a grand juror; for in all cases of indictments, whether for a greater or a lesser, a public, or private crime, the business of a grand jury is only to attend to the evidence for the king; and if on that evidence there shall appear a probable cause for the accusation, they are to find the true bill, without listening to any circumstances of defence, or to any matter of law.

And therefore my Lord Hale, vol. II. fol. 158, puts this case: 'If A be killed by B, so that the person of 'the slayer and slain be certain; and a bill of murder 'be presented to the grand jury, regularly they ought 'to find the bill for murder, and not for manslaughter, 'or *se defendendo;* because otherwise offences may be 'smothered without due trial; and when the party comes 'on his trial, the whole fact will be examined before 'the court and the petty jury; for if a man kills B 'in his own defence or *per infortunium*, or possibly in 'executing the process of law upon an assault made 'upon him, or in his own defence on the highway, 'or in defence of his house against those that come 'to rob him (in which three last cases it is neither 'felony nor forfeiture, but, upon not guilty pleaded, 'he ought to be acquitted); yet if the grand inquest 'find an *ignoramus* upon the bill, or find the special

'matter, whereby the prisoner is dismissed and dis-'charged, he may nevertheless be indicted for murder 'seven years after;' whereas, if upon a proper finding he had been acquitted he could never afterwards be again arraigned without having the plea of *autrefoits acquit*.

This doctrine of the learned chief justice you will apply to whatever case may come before you; for wherever you shall find probable cause, upon the oaths of the king's witnesses, you will not discharge your office without finding the bill to be true, shewing no regard to the nature of the crime, or the degree of the guilt; which are matters proper for the cognizance and determination of the court only.

I must not, however, omit, on the authority of the last-mentioned judge, H. P. C. ii. 157, 'that if, upon 'the hearing the king's evidence, or upon your own 'knowledge of the incredibility of the witnesses, you 'shall be dissatisfied, you may then return the bill '*ignoramus*.'

It is true my Lord Hale confines this to indictments for capital offences; but I see no reason why it may not be extended to any indictment whatever.

One caution more occurs on this head of indictment; and it is the duty of secrecy. To have revealed the king's counsel disclosed to the grand jurors was formerly taken to be felony; nay, Justice Shard, in the 27th year of the book of assizes, Placit. 63, doubted whether it was not treason; and though at this day the law be not so severe, yet is this still a very great misdemeanour, and fineable as such, and is moreover a manifest breach of your oath.

I come now, gentlemen, to the second branch of your duty, namely, that of presenting all offences which shall come to your knowledge.

And this is much more painful, and of greater difficulty than the former; for here you are obliged, without any direct accusation, to inform yourselves as well as is possible of the truth of the fact, and in some measure likewise to be conusant of those laws which subject offences to your presentment.

Upon this head, therefore, I shall beg leave to remind you of those articles which seem to be most worthy of your inquiry at this time; for indeed it would be useless and tedious to enumerate the whole catalogue of misdemeanours that are to be found in our statutes; many of which, though still in force, are, by the changes of times and fashions, become antiquated, and of little use. *Cessante ratione legis, cessat et ipsa lex;* and there are some accidental and temporary evils which at particular seasons have, like an epidemic distemper, affected society, but have afterwards disappeared, or at least made very faint efforts to corrupt the public morals. The laws made to suppress such, though very wholesome and necessary at the time of their creation, become obsolete with the evil which occasioned them, and which they were intended to cure. But, gentlemen, there are evils of a more durable kind, which rather resemble chronical than epidemic diseases; and which have so inveterated themselves in the blood of the body politic, that they are perhaps never to be totally eradicated. These it will be always the duty of a magistrate to palliate and keep down as much as possible. And these, gentlemen, are the misdemeanours of which you are to present as many as come to your knowledge.

And first, gentlemen, I will remind you of presenting all offences committed immediately against the Divine Being; for though all crimes do include in them some degree of sin, and may therefore be considered as offences against the Almighty; yet there are some more directly

levelled at his honour, and which the temporal laws do punish as such.

And, 1. All blasphemous expressions against any one of the Sacred Persons in the Trinity are severely punishable by the common law; for, as my Lord Hale says, in Taylor's case, 1 Vent. 293. 3 Keb. 607. 621. S.C. 'Such 'kind of wicked blasphemous words are not only an offence 'against God and religion, but a crime against the laws, 'state, and government;' and in that case the defendant for blasphemy, too horrible indeed to be repeated, was sentenced to stand three times in the pillory, to pay a great fine, and to find security for his good behaviour during life.

In like manner, all scandalous and contemptuous words spoken against our holy religion are by the wisdom of the common law made liable to an indictment; for 'Christianity' (says that excellent chief-justice, in the case I have just cited) 'is parcel of the laws of England; 'therefore to reproach the Christian religion is to speak 'in subversion of the law.' And to the same purpose is Atwood's case, in Cro. Jac. 421, where one was indicted before the justices of peace for saying, that the religion now professed was a new religion within fifty years, &c. For as to the doubt concerning the high commissioners started in that case, and then, as it appears, over-ruled, that is now vanished.

Nor are our statutes silent concerning this dreadful offence; particularly by 1 Eliz. c. 2, sect. 9, a severe punishment is enacted for any person who shall, in any interludes, plays, songs, rhymes, or by other open words, declare or speak any thing in derogation, depraving or despising the Book of Common Prayer, &c.

Mr. Lambard, I find, mentions this act in his charge, though the execution of it be in the counties confined to the justices of Oyer and Terminer, and of assize; but

the 22d sect. of the statute seems to give a clear jurisdiction to this court, at two of our quarter-sessions.

The last offence of this kind which the wicked tongue of man can commit is by profane cursing and swearing. This is a sin expressly against the law delivered by God himself to the Jews, and which is as expressly prohibited by our blessed Saviour in his sermon on the mount.

Many statutes have been made against this offence; and by the last of these, which was enacted in the nineteenth year of the present king, every day-labourer, common soldier, common sailor, and common seaman, forfeits one shilling; every other person under the degree of a gentleman, two shillings; and every person of or above that degree five shillings.

And in case any person shall after such conviction offend again he forfeits double; and for every offence after a second conviction treble.

Though the execution of this act be entrusted to one single magistrate, and no jurisdiction, unless by appeal, given to the sessions; yet I could not forbear mentioning it here, when I am speaking in the presence of many peace-officers, who are to forfeit forty shillings for neglecting to put the act in execution. And I mention it the rather to inform them, that whenever the offender is unknown to any constable, petty constable, tithingman, or other peace officer, such constable, &c. is empowered by the act, without any warrant, to seize and detain any such person, and forthwith to carry him before the next magistrate.

And if these officers would faithfully discharge the duty thus enjoined them, and which religion, as well as the law, requires of them, our streets would soon cease to resound with this detestable crime, so injurious to the honour of God, so directly repugnant to his positive commands, so highly offensive to the ears of all

good men, and so very scandalous to the nation in the ears of foreigners.

Having dispatched those misdemeanours (the principal ones at least) which are immediately committed against God, I come now to speak of those which are committed against the person of the king, which person the law wisely holds to be sacred.

Besides those heinous offences against this sacred person which are punished *ultimo supplicio*, there are many articles, some of which involve the criminal in the guilt of præmunire, and others are considered in law as misprisions or contempts. The former of these is by Mr. Serjeant Hawkins, in his Pleas of the Crown, divided into two general heads: viz.

> Into offences against the crown.
> And offences against the authority of the king and parliament.

Under the former head he enumerates nine several articles; but as these chiefly relate to such invasions of the royal prerogatives as were either made in Popish ages in favour of the Bishops of Rome, or in those times which bordered on the reformation in favour of the Church of Rome, and are not practised, at least not openly practised, in these days, I shall have no need to repeat them here.

Under the latter head he mentions only one, which was enacted in the reign of Queen Anne, 6 Ann. c. 7. If any person shall maliciously and directly, by preaching, teaching, or advised speaking, declare, maintain, and affirm, that the pretended Prince of Wales hath any right or title to the crown of these realms, or that any other person or persons hath or have any right or title to the same, otherwise than according to the acts of settlement; or that the kings or queens of this realm,

with the authority of parliament, are not able to make laws to limit the crown and the descent, &c., thereof, shall incur a præmunire.

A most wholesome and necessary law. And yet so mild hath been our government, that I remember no one instance of putting it in execution.

Misprisions or contempts are against the king's prerogative, against his title, or against his sacred person or government.

Under these heads will fall any act of public and avowed disobedience; any denying his most just and lawful title to the crown; any overt act which directly tends to encourage or promote rebellion or sedition; all false rumours against his majesty, or his councils; all contemptuous language concerning his sacred person, by cursing, reviling him, &c., or by uttering any thing which manifests an intention of lessening that esteem, awe, and reverence, which subjects ought to bear to the best of princes.

These are offences, gentlemen, which I must earnestly recommend to your inquiry. This, gentlemen, is your duty as grand jurors; and it must be a most pleasing task to you as you are Englishmen; for in proportion as you love and esteem your liberties, you will be fired with love and reverence toward a prince under whose administration you enjoy them in the fullest and amplest manner.

Believe me, gentlemen, notwithstanding all which the malice of the disappointed, the madness of republicans, or the folly of Jacobites, may insinuate, there is but one method to maintain the liberties of this country, and that is, to maintain the crown on the heads of that family which now happily enjoys it.

If ever subjects had reason to admire the justice of that sentiment of the poet Claudian, 'That liberty never

'flourishes so happily as under a good king,' we have reason at present for that admiration.

I am afraid, gentlemen, this word liberty, though so much talked of, is but little understood. What other idea can we have of liberty than that it is the enjoyment of our lives, our persons, and our properties in security; to be free masters of ourselves and our possessions, as far as the known laws of our country will admit; to be liable to no punishment, no confinement, no loss, but what those laws subject us to! Is there any man ignorant enough to deny that this is the description of a free people? or base enough to accuse me of panegyric, when I say this is our present happy condition?

But if the blessing of liberty, like that of health, be not to be perceived by those who enjoy it, or at least must be illustrated by its opposite, let us compare our own condition with that of other countries; of those whose polity some among us pretend so much to admire, and whose government they seem so ardently to affect. *Lettres de Cachet*, Bastiles, and Inquisitions, may, perhaps, give us a livelier sense of a just and mild administration, than any of the blessings we enjoy under it.

Again, gentlemen, let us compare the present times with the past. And here I need not resort back to those distant ages when our unhappy forefathers petitioned their conqueror, 'that he would not make them so 'miserable, nor be so severe to them, as to judge them 'by a law they understood not.' These are the very words, as we find them preserved in Daniel; in return to which, the historian informs us, nothing was obtained but fair promises. I shall not dwell here on the tyranny of his immediate successor, of whom the same historian records, that 'seeking to establish absolute power by 'force, he made both himself and his people miserable.'

I need not, gentlemen, here remind you of the oppressions under which our ancestors have groaned in many other reigns, to shake off which the sword of civil war was first drawn in the reign of King John, which was not entirely sheathed during many successive generations.

I might, perhaps, have a fairer title to your patience in laying open the tyrannical proceedings of latter times, while the crown was possessed by four successive princes of the House of Stuart. But this, gentlemen, would be to trespass on your patience indeed; for to mention all their acts of absolute power, all their attempts to subvert the liberties of this nation, would be to relate to you the history of their reigns.

In a word, gentlemen, all the struggles which our ancestors have so bravely maintained with ambitious princes, and particularly with the last mentioned family, was to maintain and preserve to themselves and their posterity, that very liberty which we now enjoy, under a prince to whom I may truly apply what the philosopher long ago said of virtue, *That all who truly know him, must love him.*

The third general head of misdemeanours, gentlemen, is of those which are committed against the subject; and these may be divided into two branches.

> Into such as are committed against individuals only:
> And into such as affect the public in general.

The former of these will probably come before you by way of indictment; for men are apt enough to revenge their own quarrels; but offences *in commune nocumentum* do not so certainly find an avenger; and thus those crimes, which it is the duty of every man to punish, do often escape with impunity.

Of these, gentlemen, it may be therefore proper to

awaken your inquiry, and particularly of such as do in a more especial manner infest the public at this time.

The first of this kind is the offence of profligate lewdness; a crime of a very pernicious nature to society, as it tends to corrupt the morals of our youth, and is expressly prohibited by the law of God, under the denunciation of the severest judgment, in the New Testament. Nay, we read in the 25th chapter of Numbers the exceeding wrath of God against the children of Israel for their fornication with the daughters of Moab. Nor did the plague, which on that occasion was sent among them, and which destroyed four and twenty thousand, cease, till Phineas, the son of Eleazer, and grandson of Aaron, had slain the Israelite together with his harlot.

And this, gentlemen, though a spiritual offence, and of a very high nature too, as appears from what I have mentioned, is likewise a temporal crime, and as Mr. Lambard (122) says, against the peace.

My Lord Coke, in his third Institute, 206, tells us, that, in ancient times, adultery and fornication were punished by fine and imprisonment, and were inquirable in turns and leets. And in the year-book of Hen. VII. 1 H vii. fol. 6. plac. 3, we find the custom of London pleaded for a constable to seize a woman taken in the act of adultery, and to carry her to prison.

And though later times have given up this matter in general to ecclesiastical jurisdiction, yet there are two species which remain at this day cognizable by the common law.

The first is, any open act of lewdness and indecency in public, to the scandal of good manners.

And therefore, in Michaelmas term, 15 Car. II. B. R. Sir Charles Sidley was indicted for having exposed himself naked in a balcony in Covent Garden, to a great multitude of people, with many indecent words and

actions; and this was laid to be contrary to the king's peace, and to the great scandal of Christianity. He confessed the indictment; and Siderfin, 1 Sid. 168, who reports the case, tells us, that the court, in consideration of his embarrassed fortune, fined him only two thousand marks, with a short imprisonment, and to be bound three years to his good behaviour. An infamous punishment for a gentleman, but far less infamous than the offence. If any facts of this nature shall come to your knowledge, you will, I make no doubt, present them, without any respect to persons. Sex or quality may render the crime more atrocious, and the example more pernicious; but can give no sanction to such infamous offences, nor will, I hope, ever give impunity.

The second species which falls under this head, is the crime of keeping a brothel or bawdy-house. This is a kind of common nuisance, and is punishable by the common law.

It is true, that certain houses of this kind, under the name of public stews, have been sometimes tolerated in Christian countries, to the great scandal of our religion, and in direct contradiction to its positive precepts; but in the thirty-seventh year of Henry VIII. they were all suppressed by proclamation. And those infamous women who inhabited them were not, says Lord Coke, either buried in Christian burial when they were dead, nor permitted to receive the rites of the church while they lived.

And, gentlemen, notwithstanding the favour which the law in many cases extends to married women, yet in this case the wife is equally indictable, and may be found guilty with her husband.

Nor is it necessary that the person be master or mistress of the whole house; for if he or she have only a single room, and will therewith accommodate lewd people to perpetrate acts of uncleanness, they may be indicted

for keeping a bawdy-house. And this was the resolution of the whole court, in the Queen and Peirson. Salk. 332.

Nor is the guilt confined to those who keep such houses; those who frequent them are no less liable to the censure of the law. Accordingly we find in the select cases printed at the end of Lord Ch. J. Popham's reports, that a man was indicted in the beginning of the reign of Charles I., at the sessions of peace for the town of Northampton, for frequenting a suspected bawdy-house. And the indictment being removed into the King's Bench, several objections were taken to it, which were all overruled, judgment was given upon it, and the defendant fined.

If you shall know, therefore, gentlemen, of any such crimes, it will be your duty to present them to the court.

For however lightly this offence may be thought or spoken of by idle and dissolute persons, it is a matter of serious and weighty consideration. It is the cause, says my Lord Coke, of many mischiefs, the fairest end whereof is beggary; and tends directly to the overthrow of men's bodies, to the wasting of their livelihood, and to the endangering of their souls.

To eradicate this vice out of society, however it may be the wish of sober and good men, is, perhaps, an impossible attempt; but to check its progress, and to suppress the open and more profligate practice of it, is within the power of the magistrate, and it is his duty. And this is more immediately incumbent upon us, in an age when brothels are become in a manner the seminaries of education, and that especially of those youths, whose birth makes their right institution of the utmost consequence to the future well-being of the public; for whatever may be the education of these youths, however vitiated and enervated their minds and bodies may be with vices and diseases, they are born to be the governors of our pos-

terity. If, therefore, through the egregious folly of their parents, this town is to be the school of such youths, it behoves us, gentlemen, to take as much care as possible to correct the morals of that school.

And, gentlemen, there are other houses, rather less scandalous, perhaps, but equally dangerous to the society; in which houses the manners of youth are greatly tainted and corrupted. These are those places of public rendezvous, where idle persons of both sexes meet in a very disorderly manner, often at improper hours, and sometimes in disguised habits. These houses, which pretend to be the scenes of innocent diversion and amusement, are, in reality, the temples of iniquity. Such meetings are *contra bonos mores;* they are considered in law in the nature of a nuisance; and, as such, the keepers and maintainers of them may be presented and punished.

There is a great difference, gentlemen, between a morose and over sanctified spirit which excludes all kind of diversion, and a profligate disposition which hurries us into the most vicious excesses of this kind. 'The common 'law,' says Mr. Pulton, in his excellent treatise *de Pace*, fol. 25. b. 'allows many recreations, which be not with 'intent to break or disturb the peace, or to offer violence, 'force, or hurt to the person of any; but either to try 'activity, or to increase society, amity, and neighbourly 'friendship.' He there enumerates many sorts of innocent diversions of the rural kind, and which for the most part belong to the lower sort of people. For the upper part of mankind, and in this town, there are many lawful amusements, abundantly sufficient for the recreation of any temperate and sober mind. But, gentlemen, so immoderate are the desires of many, so hungry is their appetite for pleasure, that they may be said to have a fury after it; and diversion is no longer the recreation or amusement, but the whole business of their lives. They

are not content with three theatres, they must have a fourth; where the exhibitions are not only contrary to law, but contrary to good manners, and where the stage is reduced back again to that degree of licentiousness which was too enormous for the corrupt state of Athens to tolerate; and which as the Roman poet, rather, I think, in the spirit of a censor than a satirist, tells us, those Athenians, who were not themselves abused, took care to abolish, from their concern for the public.

Gentlemen, our newspapers, from the top of the page to the bottom, the corners of our streets up to the very eves of our houses, present us with nothing but a view of masquerades, balls, and assemblies of various kinds, fairs, wells, gardens, &c., tending to promote idleness, extravagance, and immorality, among all sorts of people.

This fury after licentious and luxurious pleasures is grown to so enormous a height, that it may be called the characteristic of the present age. And it is an evil, gentlemen, of which it is neither easy nor pleasant to foresee all the consequences. Many of them, however, are obvious; and these are so dreadful, that they will, I doubt not, induce you to use your best endeavours to check the farther increase of this growing mischief; for the rod of the law, gentlemen, must restrain those within the bounds of decency and sobriety, who are deaf to the voice of reason, and superior to the fear of shame.

Gentlemen, there are another sort of these temples of iniquity, and these are gaming-houses. This vice, gentlemen, is inseparable from a luxurious and idle age; for while luxury produces want, idleness forbids honest labour to supply it. All such houses are nuisances in the eye of the common law; and severe punishments, as well on those who keep them, as on those who frequent and play at them, are inflicted by many statutes. Of these houses, gentlemen, you will, I doubt not, inquire with

great diligence; for though possibly there may be some offenders out of your reach, yet if those within be well and strictly prosecuted, it may, perhaps, in time, have some effect on the others. Example in this case may, contrary to its general course, move upwards; and men may become ashamed of offending against those laws with impunity, by which they see their inferiors brought to punishment. But if this effect should not be produced, yet, gentlemen, there is no reason why you should not exert your duty as far as you are able, because you cannot extend it as far as you desire. And to say the truth, to prevent gaming among the lower sort of people, is principally the business of society; and for this plain reason, because they are the most useful members of the society; which, by such means, will lose the benefit of their labour. As for the rich and great, the consequence is generally no other than the exchange of property from the hands of a fool into those of a sharper, who is, perhaps, the more worthy of the two to enjoy it.

I will mention only one article more, and that of a very high nature indeed. It is, gentlemen, the offence of libelling, which is punished by the common law, as it tends immediately to quarrels and breaches of the peace, and very often to bloodshed and murder itself.

The punishment of this offence, saith my Lord Coke, is fine or imprisonment; and if the case be exorbitant, by pillory and loss of ears.

And, gentlemen, even the last of these judgments will appear extremely mild, if we consider, in the first place, the atrocious temper of mind from which this proceeds.

Mr. Pulton, in the beginning of his treatise *de Pace*, says of a libeller, 'that he is a secret canker, which con-'cealeth his name, hideth himself in a corner, and privily 'stingeth his neighbour in his fame, reputation, and 'credit; who neither knows from whom, nor from what

'cause he receiveth his blows, nor hath any means to 'defend himself:' and my Lord Coke, in his 5th Report (125), compares him to a poisoner, who is the meanest, the vilest, and most dangerous of all murderers. Nor can I help repeating to you a most beautiful passage in the great orator Demosthenes, who compares this wretch to a viper, which men ought to crush wherever they find him, without staying till he bite them.

In the second place, if we consider the injury done by these libellers, it must raise the indignation of every honest and good man; for what is this but, as Mr. Pulton says, 'a note of infamy, intended to defame the 'person at whom it is levelled, to tread his honour and 'estimation in the dust, to extirpate and root out his 'reputation from the face of the earth, to make him a 'scorn to his enemies, and to be derided and despised by 'his neighbours?'

If praise, and honour, and reputation, be so highly esteemed by the greatest and best of men, that they are often the only rewards they propose to themselves from the noblest actions; if there be nothing too difficult, too dangerous, or too disagreeable for men to encounter, in order to acquire and preserve these rewards; what a degree of wickedness and barbarity must it be, unjustly and wantonly to strip men of that on which they place so high a value?

Nor is reputation to be considered as a chimerical good, or as merely the food of vanity and ambition. Our worldly interest is closely connected with our fame; by losing this, we are deprived of the chief comforts of society, particularly of that which is most dear to us, the friendship and love of all good and virtuous men. Nay, the common law indulged so great a privilege to men of good reputation in their neighbourhood, that in many actions the defendant's word was taken in his own cause,

if he could bring a certain number of his neighbours to vouch that they believed him.

On the contrary, whoever robs us of our good name, doth not only expose us to public contempt and avoidance, but even to punishment; for by the statute 34 Edw. III. c. 1, the justices of the peace are empowered and directed to bind all such as be not of good fame to their good behaviour, and, if they cannot find sufficient sureties, they may be committed to prison.

Seeing, therefore, the execrable mischiefs perpetrated by this secret canker, this viper, this poisoner, in society, we shall not wonder to hear him so severely condemned in Scripture; nor that Aristotle in his Politics should mention slander as one of those great evils which it is difficult for a legislator to guard against; that the Athenians punished it with a very severe and heavy fine, and the Romans with death.

But though the libeller of private persons be so detestable a vermin, yet is the offence still capable of aggravation, when the poison is scattered upon public persons and magistrates. All such reflections are, as my Lord Coke observes, a scandal on the government itself; and such scandal tends not only to the breach of the peace, but to raise seditions and insurrections among the whole body of the people.

And, gentlemen, the higher and greater the magistrates be against whom such slanders are propagated, the greater is the danger to the society; and such we find to have been the sense of the legislature in the second year of Richard II. For in the statute of that year, chap. 5, it is said, 'that by such means discords may arise between 'the lords and commons, whereof great peril and mischief 'might come to all the realm, and quick subversion and 'destruction of the said realm.' And of such consequence was this apprehended to be, that we find no less than four

statutes to prohibit and punish it; viz. Westm. 1. c. 33. 2 R. II. c. 5. 12 R. II. 11. and 2 and 3 P. & M. c. 12. By this last statute a jurisdiction was given to the justices of peace to inquire of all such offences; and if it was by book, ballad, letter, or writing, the offender's right hand was to be stricken off for the first offence, and for the second he was to incur a præmunire.

This last statute was afterwards prolonged in the last year of Queen Mary, and in the first of Elizabeth, during the life of that princess, and of the heirs of her body.

I have mentioned these laws to you, gentlemen, to show you the sense of our ancestors of a crime, which, I believe, they never saw carried to so flagitious a height as it is at present; when, to the shame of the age be it spoken, there are men who make a livelihood of scandal. Most of these are persons of the lowest rank and education, men, who lazily declining the labour to which they were born and bred, save the sweat of their brows at the expense of their consciences; and in order to get a little better livelihood, are content to get it, perhaps, in a less painful, but in a baser way than the meanest mechanic.

Of these, gentlemen, it is your business to inquire; of the devisers, of the writers, of the printers, and of the publishers of all such libels; and I do heartily recommend this inquiry to your care.

To conclude, gentlemen, you will consider yourselves as now summoned to the execution of an office of the utmost importance to the well-being of this community; nor will you, I am confident, suffer that establishment, so wisely and carefully regulated, and so stoutly and zealously maintained by your wise and brave ancestors, to degenerate into mere form and shadow. Grand juries, gentlemen, are, in reality, the only censors of this nation. As such, the manners of the people are in your hands, and in yours only. You, therefore, are the only cor-

rectors of them. If you neglect your duty, the certain consequences to the public are too apparent; for, as in a garden, however well cultivated at first, if the weeder's care be omitted, the whole must in time be over-run with weeds, and will resemble the wildness and rudeness of a desert; so if those immoralities of the people, which will sprout up in the best constitution, be not from time to time corrected by the hand of justice, they will at length grow up to the most enormous vices, will overspread the whole nation, and, in the end, must produce a downright state of wild and savage barbarism.

To this censorial office, gentlemen, you are called by our excellent constitution. To execute this duty with vigilance, you are obliged by the duty you owe both to God and to your country. You are invested with full power for the purpose. This you have promised to do, under the sacred sanction of an oath; and you are all met, I doubt not, with disposition and resolution to perform it, with that zeal which I have endeavoured to recommend, and which the peculiar licentiousness of the age so strongly requires.

THE

# JOURNAL

OF A

# VOYAGE TO LISBON.

BY THE LATE

HENRY FIELDING, ESQ.

# DEDICATION

TO

# THE PUBLIC.

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Your candour is desired on the perusal of the following sheets, as they are the product of a genius that has long been your delight and entertainment. It must be acknowledged, that a lamp almost burnt out, does not give so steady and uniform a light as when it blazes in its full vigour; but yet it is well known that by its wavering, as if struggling against its own dissolution, it sometimes darts a ray as bright as ever. In like manner, a strong and lively genius will, in its last struggles, sometimes mount aloft, and throw forth the most striking marks of its original lustre.

Wherever these are to be found, do, you, the genuine patrons of extraordinary capacities, be as liberal in your applauses of him who is now no more, as you were of him whilst he was yet amongst you. And, on the other hand, if in this little work there should appear any traces of a weakened and decayed life, let your imaginations place before your eyes a true picture in that of a hand trembling in almost its latest hour, of a body emaciated with pains, yet struggling for your entertainment; and let this affecting picture open each tender heart, and call forth a melting tear, to blot out whatever failings may be found in a work begun in pain, and finished almost at the same period with life.

It was thought proper, by the friends of the deceased, that this little piece should come into your hands as it came from the hands of the author; it being judged that you would be better pleased to have an opportunity of observing the faintest traces of a genius you have long admired, than have it patched by a different hand; by which means the marks of its true author might have been effaced.

That the success of the last written, though first published, volume of the author's posthumous pieces may be attended with some convenience to those innocents he hath left behind, will, no doubt, be a motive to encourage its circulation through the kingdom, which will engage every future genius to exert itself for your pleasure.

The principles and spirit which breathe in every line of the small fragment begun in answer to Lord Bolingbroke will unquestionably be a sufficient apology for its publication, although vital strength was wanting to finish a work so happily begun and so well designed.

# PREFACE.

THERE would not, perhaps, be a more pleasant or profitable study, among those which have their principal end in amusement, than that of travels or voyages, if they were writ, as they might be, and ought to be, with a joint view to the entertainment and information of mankind. If the conversation of travellers be so eagerly sought after as it is, we may believe their books will be still more agreeable company, as they will in general be more instructive and more entertaining.

But when I say the conversation of travellers is usually so welcome, I must be understood to mean that only of such as have had good sense enough to apply their peregrinations to a proper use, so as to acquire from them a real and valuable knowledge of men and things; both which are best known by comparison. If the customs and manners of men were every where the same, there would be no office so dull as that of a traveller; for the difference in hills, valleys, rivers; in short, the various views of which we may see the face of the earth, would scarce afford him a pleasure worthy of his labour; and, surely, it would give him very little opportunity of communicating any kind of entertainment or improvement to others.

To make a traveller an agreeable companion to a man of sense, it is necessary, not only that he should have seen much, but that he should have overlooked much of what he hath seen. Nature is not, any more

than a great genius, always admirable in her productions, and therefore the traveller, who may be called her commentator, should not expect to find every where subjects worthy of his notice.

It is certain, indeed, that one may be guilty of omission, as well as of the opposite extreme; but a fault on that side will be more easily pardoned, as it is better to be hungry than surfeited; and to miss your dessert at the table of a man whose gardens abound with the choicest fruits, than to have your taste affronted with every sort of trash that can be picked up at the green-stall or the wheelbarrow.

If we should carry on the analogy between the traveller and the commentator, it is impossible to keep one's eye a moment off from the laborious much-read Doctor Zachary Grey, of whose redundant notes on Hudibras I shall only say, that it is, I am confident, the single book extant in which above five hundred authors are quoted, not one of which could be found in the collection of the late Doctor Mead.

As there are few things which a traveller is to record, there are fewer on which he is to offer his observations: this is, the office of the reader; and it is so pleasant a one, that he seldom chooses to have it taken from him, under the pretence of lending him assistance. Some occasions, indeed, there are, when proper observations are pertinent, and others when they are necessary; but good sense alone must point them out. I shall lay down only one general rule; which I believe to be of universal truth between relater and hearer, as it is between author and reader; this is, that the latter never forgive any observation of the former which doth not convey some knowledge that they are sensible they could not possibly have attained of themselves.

But all his pains in collecting knowledge, all his judg-

ment in selecting, and all his art in communicating it, will not suffice, unless he can make himself, in some degree, an agreeable as well as an instructive companion. The highest instruction we can derive from the tedious tale of a dull fellow scarce ever pays us for our attention. There is nothing, I think, half so valuable as knowledge, and yet there is nothing which men will give themselves so little trouble to attain; unless it be, perhaps, that lowest degree of it which is the object of curiosity, and which hath therefore that active passion constantly employed in its service. This, indeed, it is in the power of every traveller to gratify; but it is the leading principle in weak minds only.

To render his relation agreeable to the man of sense, it is therefore necessary, that the voyager should possess several eminent and rare talents; so rare, indeed, that it is almost wonderful to see them ever united in the same person.

And if all these talents must concur in the relater, they are certainly in a more eminent degree necessary to the writer; for here the narration admits of higher ornaments of style, and every fact and sentiment offers itself to the fullest and most deliberate examination.

It would appear, therefore, I think, somewhat strange, if such writers as these should be found extremely common; since Nature hath been a most parsimonious distributer of her richest talents, and hath seldom bestowed many on the same person. But, on the other hand, why there should scarce exist a single writer of this kind worthy our regard; and, whilst there is no other branch of history (for this is history) which hath not exercised the greatest pens, why this alone should be overlooked by all men of great genius and erudition, and delivered up to the Goths and Vandals as their lawful property, is altogether as difficult to determine.

And yet that this is the case, with some very few exceptions, is most manifest. Of these I shall willingly admit Burnet and Addison; if the former was not perhaps to be considered as a political essayist, and the latter as a commentator on the classics, rather than as a writer of travels; which last title, perhaps, they would both of them have been least ambitious to affect.

Indeed, if these two, and two or three more, should be removed from the mass, there would remain such a heap of dulness behind, that the appellation of voyage-writer would not appear very desirable.

I am not here unapprised, that old Homer himself is by some considered as a voyage-writer; and, indeed, the beginning of his Odyssey may be urged to countenance that opinion, which I shall not controvert. But whatever species of writing the Odyssey is of, it is surely at the head of that species, as much as the Iliad is of another; and so far the excellent Longinus would allow, I believe, at this day.

But, in reality, the Odyssey, the Telemachus, and all of that kind, are to the voyage-writing I here intend, what romance is to true history, the former being the confounder and corrupter of the latter. I am far from supposing that Homer, Hesiod, and the other ancient poets and mythologists, had any settled design to pervert and confuse the records of antiquity; but it is certain they have effected it; and, for my part, I must confess, I should have honoured and loved Homer more had he written a true history of his own times in humble prose than those noble poems that have so justly collected the praise of all ages; for, though I read these with more admiration and astonishment, I still read Herodotus, Thucydides, and Xenophon, with more amusement and more satisfaction.

The original poets were not, however, without excuse.

They found the limits of nature too strait for the immensity of their genius, which they had not room to exert without extending fact by fiction; and that especially at a time when the manners of men were too simple to afford that variety which they have since offered in vain to the choice of the meanest writers. In doing this they are again excusable for the manner in which they have done it.

*Ut speciosa dehinc miracula promant.*

They are not, indeed, so properly said to turn reality into fiction, as fiction into reality. Their paintings are so bold, their colours so strong, that every thing they touch seems to exist in the very manner they represent it; their portraits are so just, and their landscapes so beautiful, that we acknowledge the strokes of nature in both, without inquiring whether nature herself, or her journeyman the poet, formed the first pattern of the piece.

But other writers (I will put Pliny at their head) have no such pretensions to indulgence; they lie for lying sake, or in order insolently to impose the most monstrous improbabilities and absurdities upon their readers on their own authority; treating them as some fathers treat children, and as other fathers do laymen, exacting their belief of whatever they relate, on no other foundation than their own authority, without ever taking the pains of adapting their lies to human credulity, and of calculating them for the meridian of a common understanding; but with as much weakness as wickedness, and with more impudence often than either, they assert facts contrary to the honour of God, to the visible order of the creation, to the known laws of nature, to the histories of former ages, and to the experience of our own, and which no man can at once understand and believe.

If it should be objected (and it can no where be ob-

jected better than where I now write,* as there is no where more pomp of bigotry) that whole nations have been firm believers in the most absurd suppositions; I reply, the fact is not true. They have known nothing of the matter, and have believed they knew not what. It is, indeed, with me no matter of doubt, but that the pope and his clergy might teach any of those Christian heterodoxies, the tenets of which are the most diametrically opposite to their own; nay, all the doctrines of Zoroaster, Confucius, and Mahomet, not only with certain and immediate success, but without one Catholic in a thousand knowing he had changed his religion.

What motive a man can have to sit down, and to draw forth a list of stupid, senseless, incredible lies upon paper, would be difficult to determine, did not vanity present herself so immediately as the adequate cause. The vanity of knowing more than other men is, perhaps, besides hunger, the only inducement to writing, at least to publishing, at all. Why then should not the voyage-writer be inflamed with the glory of having seen what no man ever did or will see but himself? This is the true source of the wonderful in the discourse and writings, and sometimes, I believe, in the actions of men. There is another fault, of a kind directly opposite to this, to which these writers are sometimes liable, when, instead of filling their pages with monsters which nobody hath ever seen, and with adventures which never have, nor could possibly have happened to them, waste their time and paper with recording things and facts of so common a kind, that they challenge no other right of being remembered than as they had the honour of having happened to the author, to whom nothing seems trivial that in any manner happens to himself. Of such

* At Lisbon.

consequence do his own actions appear to one of this kind, that he would probably think himself guilty of infidelity should he omit the minutest thing in the detail of his journal. That the fact is true is sufficient to give it place there, without any consideration whether it is capable of pleasing or surprising, of diverting or informing, the reader.

I have seen a play (if I mistake not it is one of Mrs. Behn's or of Mrs. Centlivre's) where this vice in a voyage-writer is finely ridiculed. An ignorant pedant to whose government, for I know not what reason, the conduct of a young nobleman in his travels is committed, and is sent abroad to shew my lord the world, of which he knows nothing himself, before his departure from a town calls for his journal to record the goodness of the wine and tobacco, with other articles of the same importance, which are to furnish the materials of a voyage at his return home. The humour, it is true, is here carried very far; and yet, perhaps, very little beyond what is to be found in writers who profess no intention of dealing in humour at all.

Of one or other, or of both these kinds are, I conceive, all that vast pile of books which pass under the names of voyages, travels, adventures, lives, memoirs, histories, &c. some of which a single traveller sends into the world in many volumes, and others are, by judicious booksellers, collected into vast bodies in folio, and inscribed with their own names, as if they were indeed their own travels; thus unjustly attributing to themselves the merit of others.

Now from both these faults we have endeavoured to steer clear in the following narrative; which, however the contrary may be insinuated by ignorant, unlearned, and fresh-water critics, who have never travelled either in books or ships, I do solemnly declare doth, in my own

impartial opinion, deviate less from truth than any other voyage extant; my Lord Anson's alone being, perhaps, excepted.

Some few embellishments must be allowed to every historian; for we are not to conceive that the speeches in Livy, Sallust, or Thucydides, were literally spoken in the very words in which we now read them. It is sufficient that every fact hath its foundation in truth, as I do seriously aver is the case in the ensuing pages; and when it is so, a good critic will be so far from denying all kind of ornament of style or diction, or even of circumstance, to his author, that he would be rather sorry if he omitted it; for he could hence derive no other advantage than the loss of an additional pleasure in the perusal.

Again, if any merely common incident should appear in this journal, which will seldom I apprehend be the case, the candid reader will easily perceive it is not introduced for its own sake, but for some observations and reflections naturally resulting from it; and which, if but little to his amusement, tend directly to the instruction of the reader or to the information of the public; to whom, if I choose to convey such instruction or information with an air of joke and laughter, none but the dullest of fellows will, I believe, censure it; but if they should, I have the authority of more than one passage in Horace to alledge in my defence.

Having thus endeavoured to obviate some censures, to which a man without the gift of foresight, or any fear of the imputation of being a conjurer, might conceive this work would be liable, I might now undertake a more pleasing task, and fall at once to the direct and positive praises of the work itself; of which, indeed, I could say a thousand good things; but the task is so very pleasant that I shall leave it wholly to the reader, and it is all the

task that I impose on him. A moderation for which he may think himself obliged to me, when he compares it with the conduct of authors, who often fill a whole sheet with their own praises, to which they sometimes set their own real names, and sometimes a fictitious one. One hint, however, I must give the kind reader: which is, that if he should be able to find no sort of amusement in the book, he will be pleased to remember the public utility which will arise from it. If entertainment, as Mr. Richardson observes, be but a secondary consideration in a romance; with which Mr. Addison, I think, agrees, affirming the use of the pastry-cook to be the first; if this, I say, be true of a mere work of invention, sure it may well be so considered in a work founded, like this, on truth; and where the political reflections form so distinguishing a part.

But perhaps I may hear, from some critic of the most saturnine complexion, that my vanity must have made a horrid dupe of my judgment, if it hath flattered me with an expectation of having any thing here seen in a grave light, or of conveying any useful instruction to the public, or to their guardians. I answer with the great man whom I just now quoted, that my purpose is to convey instruction in the vehicle of entertainment; and so to bring about at once, like the revolution in the Rehearsal, a perfect reformation of the laws relating to our maritime affairs: an undertaking I will not say more modest, but surely more feasible, than that of reforming a whole people, by making use of a vehicular story, to wheel in among them worse manners than their own.

# INTRODUCTION.

In the beginning of August, 1753, when I had taken the Duke of Portland's medicine, as it is called, near a year, the effects of which had been the carrying off the symptoms of a lingering imperfect gout, I was persuaded by Mr. Ranby, the king's premier serjeant-surgeon, and the ablest advice, I believe, in all branches of the physical profession, to go immediately to Bath. I accordingly writ that very night to Mrs. Bowden, who, by the next post, informed me she had taken me a lodging for a month certain.

Within a few days after this, whilst I was preparing for my journey, and when I was almost fatigued to death with several long examinations, relating to five different murders, all committed within the space of a week, by different gangs of street-robbers, I received a message from His Grace the Duke of Newcastle, by Mr. Carrington, the king's messenger, to attend his grace the next morning, in Lincoln's-inn-fields, upon some business of importance; but I excused myself from complying with the message, as, besides being lame, I was very ill with the great fatigues I had lately undergone, added to my distemper.

His grace, however, sent Mr. Carrington, the very next morning, with another summons; with which, though in the utmost distress, I immediately complied; but the duke happening, unfortunately for me, to be then particularly engaged, after I had waited some time, sent a

gentleman to discourse with me on the best plan which could be invented for putting an immediate end to those murders and robberies which were every day committed in the streets; upon which I promised to transmit my opinion, in writing, to his grace, who, as the gentleman informed me, intended to lay it before the Privy Council.

Though this visit cost me a severe cold, I, notwithstanding, set myself down to work; and in about four days sent the duke as regular a plan as I could form, with all the reasons and arguments I could bring to support it, drawn out in several sheets of paper; and soon received a message from the duke by Mr. Carrington, acquainting me, that my plan was highly approved of, and that all the terms of it would be complied with.

The principal and most material of those terms, was the immediately depositing six hundred pounds in my hands; at which small charge I undertook to demolish the then reigning gangs, and to put the civil policy into such order, that no such gangs should ever be able, for the future, to form themselves into bodies, or at least to remain any time formidable to the public.

I had delayed my Bath journey for some time, contrary to the repeated advice of my physical acquaintance, and to the ardent desire of my warmest friends, though my distemper was now turned to a deep jaundice; in which case the Bath waters are generally reputed to be almost infallible. But I had the most eager desire of demolishing this gang of villains and cut-throats, which I was sure of accomplishing the moment I was enabled to pay a fellow who had undertaken, for a small sum, to betray them into the hands of a set of thief-takers whom I had enlisted into the service, all men of known and approved fidelity and intrepidity.

After some weeks the money was paid at the treasury,

and within a few days after two hundred pounds of it had come to my hands, the whole gang of cut-throats was entirely dispersed, seven of them were in actual custody, and the rest driven, some out of the town, and others out of the kingdom.

Though my health was now reduced to the last extremity, I continued to act with the utmost vigour against these villains; in examining whom, and in taking the depositions against them, I have often spent whole days, nay, sometimes whole nights, especially when there was any difficulty in procuring sufficient evidence to convict them; which is a very common case in street-robberies, even when the guilt of the party is sufficiently apparent to satisfy the most tender conscience. But courts of justice know nothing of a cause more than what is told them on oath by a witness; and the most flagitious villain upon earth is tried in the same manner as a man of the best character who is accused of the same crime.

Meanwhile, amidst all my fatigues and distresses, I had the satisfaction to find my endeavours had been attended with such success that this hellish society were almost utterly extirpated, and that, instead of reading of murders and street-robberies in the news almost every morning, there was, in the remaining part of the month of November, and in all December, not only no such thing as a murder, but not even a street-robbery committed. Some such, indeed, were mentioned in the public papers; but they were all found, on the strictest inquiry, to be false.

In this entire freedom from street-robberies, during the dark months, no man will, I believe, scruple to acknowledge, that the winter of 1753 stands unrivalled, during a course of many years; and this may possibly appear the more extraordinary to those who recollect the outrages with which it began.

Having thus fully accomplished my undertaking, I went into the country, in a very weak and deplorable condition, with no fewer or less diseases than a jaundice, a dropsy, and an asthma, altogether uniting their forces in the destruction of a body so entirely emaciated that it had lost all its muscular flesh.

Mine was now no longer what is called a Bath case; nor, if it had been so, had I strength remaining sufficient to go thither, a ride of six miles only being attended with an intolerable fatigue. I now discharged my lodgings at Bath, which I had hitherto kept. I began, in earnest, to look on my case as desperate, and I had vanity enough to rank myself with those heroes who, of old times, became voluntary sacrifices to the good of the public.

But, lest the reader should be too eager to catch at the word *vanity*, and should be unwilling to indulge me with so sublime a gratification, for I think he is not too apt to gratify me, I will take my key a pitch lower, and will frankly own that I had a stronger motive than the love of the public to push me on: I will therefore confess to him, that my private affairs at the beginning of the winter had but a gloomy aspect; for I had not plundered the public or the poor of those sums which men, who are always ready to plunder both as much as they can, have been pleased to suspect me of taking: on the contrary, by composing, instead of inflaming, the quarrels of porters and beggars (which I blush when I say hath not been universally practised), and by refusing to take a shilling from a man who most undoubtedly would not have had another left, I had reduced an income of about five hundred pounds* a

* A predecessor of mine used to boast that he made one thousand pounds a year in his office; but how he did this (if indeed he did it) is to me a secret. His clerk, now mine, told me I had more business than he

year of the dirtiest money upon earth, to little more than three hundred pounds; a considerable proportion of which remained with my clerk; and, indeed, if the whole had done so, as it ought, he would be but ill paid for sitting almost sixteen hours in the twenty-four in the most unwholesome, as well as nauseous, air in the universe, and which hath in his case corrupted a good constitution without contaminating his morals.

But, not to trouble the reader with anecdotes, contrary to my own rule laid down in my preface, I assure him I thought my family was very slenderly provided for; and that my health began to decline so fast that I had very little more of life left to accomplish what I had thought of too late. I rejoiced therefore greatly in seeing an opportunity, as I apprehended, of gaining such merit in the eye of the public, that if my life were the sacrifice to it, my friends might think they

had ever known there; I am sure I had as much as any man could do. The truth is, the fees are so very low, when any are due, and so much is done for nothing, that if a single justice of peace had business enough to employ twenty clerks, neither he nor they would get much by their labour. The public will not, therefore, I hope, think I betray a secret when I inform them, that I received from the Government a yearly pension out of the public service-money; which, I believe, indeed, would have been larger, had my great patron been convinced of an error, which I have heard him utter more than once, That he could not indeed say, that the acting as a principal justice of peace in Westminster was on all accounts very desirable, but that all the world knew it was a very lucrative office. Now to have shewn him plainly that a man must be a rogue to make a very little this way, and that he could not make much by being as great a rogue as he could be, would have required more confidence than, I believe, he had in me, and more of his conversation than he chose to allow me; I therefore resigned the office and the farther execution of my plan to my brother, who had long been my assistant. And now, lest the case between me and the reader should be the same in both instances as it was between me and the great man, I will not add another word on the subject.

did a popular act in putting my family at least beyond the reach of necessity, which I myself began to despair of doing. And though I disclaim all pretence to that Spartan or Roman patriotism, which loved the public so well that it was always ready to become a voluntary sacrifice to the public good, I do solemnly declare I have that love for my family.

After this confession therefore, that the public was not the principal deity to which my life was offered a sacrifice, and when it is farther considered what a poor sacrifice this was, being indeed no other than the giving up what I saw little likelihood of being able to hold much longer, and which, upon the terms I held it, nothing but the weakness of human nature could represent to me as worth holding at all; the world may, I believe, without envy, allow me all the praise to which I have any title.

My aim, in fact, was not praise, which is the last gift they care to bestow; at least, this was not my aim as an end, but rather as a means, of purchasing some moderate provision for my family, which, though it should exceed my merit, must fall infinitely short of my service, if I succeeded in my attempt.

To say the truth, the public never act more wisely, than when they act most liberally in the distribution of their rewards; and here the good they receive is often more to be considered, than the motive from which they receive it. Example alone is the end of all public punishments and rewards. Laws never inflict disgrace in resentment, nor confer honour from gratitude. For it is very hard, my lord, said a convicted felon at the bar to the late excellent Judge Burnet, to hang a poor man for stealing a horse. You are not to be hanged, Sir, answered my ever-honoured and beloved friend, for stealing a horse, but you are to be hanged that horses

may not be stolen. In like manner it might have been said to the late Duke of Marlborough, when the parliament was so deservedly liberal to him, after the battle of Blenheim, You receive not these honours and bounties on account of a victory past, but that other victories may be obtained.

I was now, in the opinion of all men, dying of a complication of disorders; and, were I desirous of playing the advocate, I have an occasion fair enough; but I disdain such an attempt. I relate facts plainly and simply as they are; and let the world draw from them what conclusions they please, taking with them the following facts for their instruction: The one is, that the proclamation offering one hundred pounds for the apprehending felons for certain felonies committed in certain places, which I prevented from being revived, had formerly cost the Government several thousand pounds within a single year. Secondly, that all such proclamations, instead of curing the evil, had actually increased it; had multiplied the number of robberies; had propagated the worst and wickedest of perjuries; had laid snares for youth and ignorance; which, by the temptation of these rewards, had been sometimes drawn into guilt; and sometimes, which cannot be thought on without the highest horror, had destroyed them without it. Thirdly, that my plan had not put the Government to more than three hundred pounds expence, and had produced none of the ill-consequences above-mentioned; but lastly, had actually suppressed the evil for a time, and had plainly pointed out the means of suppressing it for ever. This I would myself have undertaken, had my health permitted, at the annual expence of the above-mentioned sum.

After having stood the terrible six weeks which succeeded last Christmas, and put a lucky end, if they had known their own interests, to such numbers of aged and

infirm valetudinarians, who might have gasped through two or three mild winters more, I returned to town in February, in a condition less despaired of by myself than by any of my friends. I now became the patient of Dr. Ward, who wished I had taken his advice earlier.

By his advice I was tapped, and fourteen quarts of water drawn from my belly. The sudden relaxation which this caused, added to my enervate, emaciated habit of body, so weakened me, that within two days I was thought to be falling into the agonies of death.

I was at the worst on that memorable day when the public lost Mr. Pelham. From that day I began slowly, as it were, to draw my feet out of the grave; till in two months time I had again acquired some little degree of strength; but was again full of water.

During this whole time, I took Mr. Ward's medicines, which had seldom any perceptible operation. Those in particular of the diaphoretic kind, the working of which is thought to require a great strength of constitution to support, had so little effect on me, that Mr. Ward declared it was as vain to attempt sweating me as a deal board.

In this situation I was tapped a second time. I had one quart of water less taken from me now than before; but I bore all the consequences of the operation much better. This I attributed greatly to a dose of laudanum prescribed by my surgeon. It first gave me the most delicious flow of spirits, and afterwards as comfortable a nap.

The month of May, which was now begun, it seemed reasonable to expect would introduce the spring, and drive off that winter which yet maintained its footing on the stage. I resolved therefore to visit a little house of mine in the country, which stands at Ealing, in the county of Middlesex, in the best air, I believe, in the

whole kingdom, and far superior to that of Kensington Gravel-pits; for the gravel is here much wider and deeper, the place higher and more open towards the south, whilst it is guarded from the north wind by a ridge of hills, and from the smells and smoke of London by its distance; which last is not the fate of Kensington, when the wind blows from any corner of the east.

Obligations to Mr. Ward I shall always confess; for I am convinced that he omitted no care in endeavouring to serve me, without any expectation or desire of fee or reward.

The powers of Mr. Ward's remedies want indeed no unfair puffs of mine to give them credit; and though this distemper of the dropsy stands, I believe, first in the list of those over which he is always certain of triumphing; yet, possibly, there might be something particular in my case, capable of eluding that radical force which had healed so many thousands. The same distemper, in different constitutions, may possibly be attended with such different symptoms, that to find an infallible nostrum for the curing any one distemper in every patient, may be almost as difficult as to find a panacea for the cure of all.

But even such a panacea one of the greatest scholars and best of men did lately apprehend he had discovered. It is true, indeed, he was no physician; that is, he had not by the forms of his education acquired a right of applying his skill in the art of physic to his own private advantage; and yet, perhaps, it may be truly asserted, that no other modern hath contributed so much to make his physical skill useful to the public; at least, that none hath undergone the pains of communicating this discovery in writing to the world. The reader, I think, will scarce need to be informed that the writer I mean, is

the late Bishop of Cloyne in Ireland, and the discovery, that of the virtues of tar-water.

I then happened to recollect, upon a hint given me by the inimitable and shamefully-distressed author of the Female Quixote, that I had many years before, from curiosity only, taken a cursory view of Bishop Berkeley's treatise on the virtues of tar-water, which I had formerly observed he strongly contends to be that real panacea which Sydenham supposes to have an existence in nature, though it yet remains undiscovered, and, perhaps, will always remain so.

Upon the re-perusal of this book, I found the bishop only asserting his opinion, that tar-water might be useful in the dropsy, since he had known it to have a surprising success in the cure of a most stubborn anasarca, which is indeed no other than, as the word implies, the dropsy of the flesh; and this was, at that time, a large part of my complaint.

After a short trial, therefore, of a milk diet, which I presently found did not suit with my case, I betook myself to the bishop's prescription, and dosed myself every morning and evening with half a pint of tar-water.

It was no more than three weeks since my last tapping, and my belly and limbs were distended with water. This did not give me the worse opinion of tar-water; for I never supposed there could be any such virtue in tar-water, as immediately to carry off a quantity of water already collected. For my delivery from this, I well knew I must be again obliged to the trochar; and that if the tar-water did me any good at all, it must be only by the slowest degrees; and that if it should ever get the better of my distemper, it must be by the tedious operation of undermining; and not by a sudden attack and storm.

Some visible effects, however, and far beyond what my most sanguine hopes could with any modesty expect, I very soon experienced; the tar-water having, from the very first, lessened my illness, increased my appetite; and added, though in a very slow proportion, to my bodily strength.

But if my strength had increased a little, my water daily increased much more. So that, by the end of May, my belly became again ripe for the trochar, and I was a third time tapped; upon which, two very favourable symptoms appeared. I had three quarts of water taken from me less than had been taken the last time; and I bore the relaxation with much less (indeed with scarce any) faintness.

Those of my physical friends, on whose judgment I chiefly depended, seemed to think my only chance of life consisted in having the whole summer before me; in which I might hope to gather sufficient strength to encounter the inclemencies of the ensuing winter. But this change began daily to lessen. I saw the summer mouldering away, or rather, indeed, the year passing away without intending to bring on any summer at all. In the whole month of May the sun scarce appeared three times. So that the early fruits came to the fulness of their growth, and to some appearance of ripeness, without acquiring any real maturity; having wanted the heat of the sun to soften and meliorate their juices. I saw the dropsy gaining rather than losing ground; the distance growing still shorter between the tappings. I saw the asthma likewise beginning again to become more troublesome. I saw the Midsummer quarter drawing towards a close. So that I conceived, if the Michaelmas quarter should steal off in the same manner, as it was, in my opinion, very much to be apprehended it would, I should be delivered up to the attack of

winter, before I recruited my forces, so as to be any wise able to withstand them.

I now began to recal an intention, which from the first dawnings of my recovery I had conceived, of removing to a warmer climate; and finding this to be approved of by a very eminent physician, I resolved to put it into immediate execution.

Aix in Provence was the place first thought on; but the difficulties of getting thither were insuperable. The journey by land, beside the expence of it, was infinitely too long and fatiguing; and I could hear of no ship that was likely to set out from London, within any reasonable time, for Marseilles, or any other port in that part of the Mediterranean.

Lisbon was presently fixed on in its room. The air here, as it was near four degrees to the south of Aix, must be more mild and warm, and the winter shorter and less piercing.

It was not difficult to find a ship bound to a place with which we carry on so immense a trade. Accordingly, my brother soon informed me of the excellent accommodations for passengers, which were to be found on board a ship that was obliged to sail for Lisbon in three days.

I eagerly embraced the offer, notwithstanding the shortness of the time; and having given my brother full power to contract for our passage, I began to prepare my family for the voyage with the utmost expedition.

But our great haste was needless; for the captain having twice put off his sailing, I at length invited him to dinner with me at Fordhook, a full week after the time on which he had declared, and that with many asseverations, he must, and would, weigh anchor.

He dined with me, according to his appointment; and when all matters were settled between us, left me with

positive orders to be on board the Wednesday following; when he declared he would fall down the river to Gravesend; and would not stay a moment for the greatest man in the world.

He advised me to go to Gravesend by land, and there wait the arrival of his ship; assigning many reasons for this, every one of which was, as I well remember, among those that had before determined me to go on board near the Tower.

THE

# JOURNAL

OF A

# VOYAGE TO LISBON.

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*Wednesday, June* 26, 1754.

On this day, the most melancholy sun I had ever beheld arose, and found me awake at my house at Fordhook. By the light of this sun, I was, in my own opinion, last to behold and take leave of some of those creatures on whom I doated with a mother-like fondness, guided by nature and passion, and uncured and unhardened by all the doctrine of that philosophical school where I had learned to bear pains and to despise death.

In this situation, as I could not conquer Nature, I submitted entirely to her, and she made as great a fool of me as she had ever done of any woman whatsoever; under pretence of giving me leave to enjoy, she drew me in to suffer, the company of my little ones during eight hours; and I doubt not whether, in that time, I did not undergo more than in all my distemper.

At twelve precisely my coach was at the door, which was no sooner told me, than I kissed my children round, and went into it with some little resolution. My wife, who behaved more like a heroine and philosopher, though at the same time the tenderest mother in the world, and my eldest daughter followed me; some

friends went with us, and others here took their leave; and I heard my behaviour applauded, with many murmurs and praises to which I well knew I had no title; as all other such philosophers may, if they have any modesty, confess on the like occasions.

In two hours we arrived in Rotherhithe, and immediately went on board, and were to have sailed the next morning; but as this was the king's proclamation-day, and consequently a holiday at the Custom-house, the captain could not clear his vessel till the Thursday; for these holidays are as strictly observed as those in the popish calendar, and are almost as numerous. I might add, that both are opposite to the genius of trade, and consequently *contra bonum publicum.*

To go on board the ship it was necessary first to go into a boat; a matter of no small difficulty, as I had no use of my limbs, and was to be carried by men, who, though sufficiently strong for their burthen, were, like Archimedes, puzzled to find a steady footing. Of this, as few of my readers have not gone into wherries on the Thames, they will easily be able to form to themselves an idea. However, by the assistance of my friend Mr. Welch, whom I never think or speak of but with love and esteem, I conquered this difficulty as I did afterwards that of ascending the ship, into which I was hoisted with more ease by a chair lifted with pullies. I was soon seated in a great chair in the cabin, to refresh myself after a fatigue which had been more intolerable, in a quarter of a mile's passage from my coach to the ship, than I had before undergone in a land-journey of twelve miles, which I had travelled with the utmost expedition.

This latter fatigue was, perhaps, somewhat heightened by an indignation which I could not prevent arising in my mind. I think, upon my entrance into the boat, I

presented a spectacle of the highest horror. The total loss of limbs was apparent to all who saw me, and my face contained marks of a most diseased state, if not of death itself. Indeed, so ghastly was my countenance, that timorous women with child had abstained from my house, for fear of the ill consequences of looking at me. In this condition, I ran the gauntlope (so, I think, I may justly call it) through rows of sailors and watermen, few of whom failed of paying their compliments to me, by all manner of insults and jests on my misery. No man who knew me will think I conceived any personal resentment at this behaviour; but it was a lively picture of that cruelty and inhumanity, in the nature of men, which I have often contemplated with concern, and which leads the mind into a train of very uncomfortable and melancholy thoughts. It may be said, that this barbarous custom is peculiar to the English, and of them only to the lowest degree; that it is an excrescence of an uncontrouled licentiousness mistaken for liberty, and never shews itself in men who are polished and refined, in such manner as human nature requires, to produce that perfection of which it is susceptible, and to purge away that malevolence of disposition, of which, at our birth, we partake in common with the savage creation.

This may be said, and this is all that can be said; and it is, I am afraid, but little satisfactory to account for the inhumanity of those, who, while they boast of being made after God's own image, seem to bear in their minds a resemblance of the vilest species of brutes; or, rather, indeed, of our idea of devils; for I don't know that any brutes can be taxed with such malevolence.

A sirloin of beef was now placed on the table, for which, though little better than carrion, as much was

charged by the master of the little paltry ale-house who dressed it, as would have been demanded for all the elegance of the King's Arms, or any other polite tavern or eating-house; for, indeed, the difference between the best house and the worst is, that at the former you pay largely for luxury, at the latter for nothing.

*Thursday*, *June* 27. This morning the captain, who lay on shore at his own house, paid us a visit in the cabin; and behaved like an angry bashaw, declaring, that had he known we were not to be pleased, he would not have carried us for five hundred pounds. He added many asseverations that he was a gentleman, and despised money; not forgetting several hints of the presents which had been made him for his cabin, of twenty, thirty, and forty guineas, by several gentlemen, over and above the sum for which they had contracted. This behaviour greatly surprised me, as I knew not how to account for it, nothing having happened since we parted from the captain the evening before in perfect good-humour: and all this broke forth on the first moment of his arrival this morning. He did not, however, suffer my amazement to have any long continuance, before he clearly shewed me that all this was meant only as an apology to introduce another procrastination (being the fifth) of his weighing anchor: which was now postponed till Saturday, for such was his will and pleasure.

Besides the disagreeable situation in which we then lay in the confines of Wapping and Rotherhithe, tasting a delicious mixture of the air of both these sweet places, and enjoying the concord of sweet sounds of seamen, watermen, fish-women, oyster-women, and of all the vociferous inhabitants of both shores, composing altogether a greater variety of harmony than Hogarth's imagina-

tion hath brought together in that print of his, which is enough to make a man deaf to look at; I had a more urgent cause to press our departure, which was, that the dropsy, for which I had undergone three tappings, seemed to threaten me with a fourth discharge before I should reach Lisbon, and when I should have no body on board capable of performing the operation; but I was obliged to hearken to the voice of reason, if I may use the captain's own words, and to rest myself contented. Indeed, there was no alternative within my reach, but what would have cost me much too dear.

There are many evils in society, from which people of the highest rank are so entirely exempt, that they have not the least knowledge or idea of them; nor, indeed, of the characters which are formed by them. Such, for instance, is the conveyance of goods and passengers from one place to another. Now there is no such thing as any kind of knowledge contemptible in itself; and as the particular knowledge I here mean, is entirely necessary to the well-understanding and well-enjoying this journal; and, lastly, as in this case the most ignorant will be those very readers whose amusement we chiefly consult, and to whom we wish to be supposed principally to write, we will here enter somewhat largely into the discussion of this matter; the rather, for that no ancient or modern author (if we can trust the catalogue of Doctor Mead's library) hath ever undertaken it; but that it seems (in the style of Don Quixote) a task reserved for my pen alone.

When I first conceived this intention, I began to entertain thoughts of inquiring into the antiquity of travelling; and, as many persons have performed in this way (I mean have travelled) at the expence of the public, I flattered myself that the spirit of improving arts and sciences, and of advancing useful and substantial learn-

ing, which so eminently distinguishes this age, and hath given rise to more speculative societies in Europe than I at present can recollect the names of; perhaps, indeed, than I or any other, besides their very near neighbours, ever heard mentioned, would assist in promoting so curious a work. A work, begun with the same views, calculated for the same purposes, and fitted for the same uses with the labours which those right honourable societies have so cheerfully undertaken themselves, and encouraged in others; sometimes with the highest honours, even with admission into their colleges, and with enrolment among their members.

From these societies I promised myself all assistance in their power, particularly the communication of such valuable manuscripts and records as they must be supposed to have collected from those obscure ages of antiquity, when history yields us such imperfect accounts of the residence, and much more imperfect, of the travels of the human race; unless, perhaps, as a curious and learned member of the young Society of Antiquaries is said to have hinted his conjectures, that their residence and their travels were one and the same; and this discovery (for such it seems to be) he is said to have owed to the lighting by accident on a book, which we shall have occasion to mention presently, the contents of which were then little known to the Society.

The King of Prussia, moreover, who from a degree of benevolence and taste, which in either case is a rare production in so northern a climate, is the great encourager of art and science, I was well assured would promote so useful a design, and order his archives to be searched on my behalf.

But after well weighing all these advantages, and much meditation on the order of my work, my whole design was subverted in a moment by hearing of the discovery

just mentioned to have been made by the young antiquary, who, from the most ancient record in the world (though I don't find the Society are all agreed on this point) one long preceding the date of the earliest modern collections, either of books or butterflies, none of which pretend to go beyond the flood, shews us, that the first man was a traveller, and that he and his family were scarce settled in Paradise before they disliked their own home, and became passengers to another place. Hence it appears, that the humour of travelling is as old as the human race, and that it was their curse from the beginning.

By this discovery my plan became much shortened, and I found it only necessary to treat of the conveyance of goods and passengers from place to place; which not being universally known, seemed proper to be explained, before we examined into its original. There are, indeed, two different ways of tracing all things, used by the historian and the antiquary; these are upwards and downwards. The former shews you how things are, and leaves to others to discover when they began to be so. The latter shews you how things were, and leaves their present existence to be examined by others. Hence the former is more useful; the latter more curious. The former receives the thanks of mankind; the latter of that valuable part, the virtuosi.

In explaining, therefore, this mystery of carrying goods and passengers from one place to another, hitherto so profound a secret to the very best of our readers, we shall pursue the historical method, and endeavour to shew by what means it is at present performed, referring the more curious inquirer either to some other pen, or to some other opportunity.

Now there are two general ways of performing (if God permit) this conveyance; viz. by land and water,

both of which have much variety; that by land being performed in different vehicles, such as coaches, caravans, waggons, &c. and that by water in ships, barges, and boats, of various sizes and denominations. But as all these methods of conveyance are formed on the same principles, they agree so well together, that it is fully sufficient to comprehend them all in the general view, without descending to such minute particulars as would distinguish one method from another.

Common to all of these is one general principle, that as the goods to be conveyed are usually the larger, so they are to be chiefly considered in the conveyance; the owner being indeed little more than an appendage to his trunk, or box, or bale, or at best, a small part of his own baggage, very little care is to be taken in stowing or packing them up with convenience to himself; for the conveyance is not of passengers and goods, but of goods and passengers.

Secondly, from this conveyance arises a new kind of relation, or rather of subjection in the society; by which the passenger becomes bound in allegiance to his conveyer. This allegiance is indeed only temporary and local, but the most absolute during its continuance, of any known in Great Britain, and, to say truth, scarce consistent with the liberties of a free people; nor could it be reconciled with them, did it not move downwards, a circumstance universally apprehended to be incompatible to all kinds of slavery. For Aristotle, in his Politics, hath proved abundantly to my satisfaction, that no men are born to be slaves, except barbarians; and these only to such as are not themselves barbarians; and indeed, Mr. Montesquieu hath carried it very little farther, in the case of the Africans; the real truth being, that no man is born to be a slave, unless to him who is able to make him so.

Thirdly, this subjection is absolute, and consists of a perfect resignation both of body and soul to the disposal of another; after which resignation, during a certain time, his subject retains no more power over his own will, than an Asiatic slave, or an English wife, by the laws of both countries, and by the customs of one of them. If I should mention the instance of a stage-coachman, many of my readers would recognize the truth of what I have here observed; all, indeed, that ever have been under the dominion of that tyrant, who, in this free country, is as absolute as a Turkish bashaw. In two particulars only his power is defective; he cannot press you into his service, and if you enter yourself at one place on condition of being discharged at a certain time at another, he is obliged to perform his agreement, if God permit; but all the intermediate time you are absolutely under his government, he carries you how he will, when he will, and whither he will, provided it be not much out of the road; you have nothing to eat, or to drink, but what, and when, and where he pleases. Nay, you cannot sleep, unless he pleases you should; for he will order you sometimes out of bed at midnight, and hurry you away at a moment's warning; indeed, if you cannot sleep in his vehicle, he can prevent it; nay, indeed, to give him his due, this he is ordinarily disposed to encourage; for the earlier he forces you to rise in the morning, the more time he will give you in the heat of the day, sometimes even six hours at an ale-house, or at their doors, where he always gives you the same indulgence which he allows himself; and for this he is generally very moderate in his demands. I have known a whole bundle of passengers charged no more than half-a-crown for being suffered to remain quiet at an ale-house door, for above a whole hour, and that even in the hottest day in summer.

But as this kind of tyranny, though it hath escaped our political writers, hath been, I think, touched by our dramatic, and is more trite among the generality of readers; and as this and all other kinds of such subjection are alike unknown to my friends, I will quit the passengers by land, and treat of those who travel by water; for whatever is said on this subject, is applicable to both alike, and we may bring them together as closely as they are brought in the liturgy, when they are recommended to the prayers of all Christian congregations; and (which I have often thought very remarkable) where they are joined with other miserable wretches, such as women in labour, people in sickness, infants just born, prisoners and captives.

Goods and passengers are conveyed by water in divers vehicles, the principal of which being a ship, it shall suffice to mention that alone. Here the tyrant doth not derive his title, as the stage-coachman doth from the vehicle itself, in which he stows his goods and passengers, but he is called the captain; a word of such various use and uncertain signification, that it seems very difficult to fix any positive idea to it; if, indeed, there be any general meaning which may comprehend all its different uses, that of the head, or chief, of any body of men, seems to be most capable of this comprehension; for whether they be a company of soldiers, a crew of sailors, or a gang of rogues, he who is at the head of them is always styled the captain.

The particular tyrant, whose fortune it was to stow us aboard, laid a farther claim to this appellation than the bare command of a vehicle of conveyance. He had been the captain of a privateer, which he chose to call being in the king's service, and thence derived a right of hoisting the military ornament of a cockade over the button of his hat. He likewise wore a sword of no

ordinary length by his side, with which he swaggered in his cabin, among the wretches his passengers, whom he had stowed in cupboards on each side. He was a person of a very singular character. He had taken it into his head that he was a gentleman, from those very reasons that proved he was not one; and to shew himself a fine gentleman, by a behaviour which seemed to insinuate he had never seen one. He was, moreover, a man of gallantry; at the age of seventy, he had the finicalness of Sir Courtly Nice, with the roughness of Surly; and while he was deaf himself, had a voice capable of deafening all others.

Now, as I saw myself in danger by the delays of the captain, who was, in reality, waiting for more freight, and as the wind had been long nested, as it were, in the south-west, where it constantly blew hurricanes, I began with great reason to apprehend that our voyage might be long, and that my belly, which began already to be much extended, would require the water to be let out at a time when no assistance was at hand; though, indeed, the captain comforted me with assurances, that he had a pretty young fellow on board, who acted as his surgeon, as I found he likewise did as steward, cook, butler, sailor. In short, he had as many offices as Scrub in the play, and went through them all with great dexterity; this of surgeon was, perhaps, the only one in which his skill was somewhat deficient, at least that branch of tapping for the dropsy; for he very ingenuously and modestly confessed, he had never seen the operation performed, nor was possessed of that chirurgical instrument with which it is performed.

*Friday, June* 28. By way of prevention, therefore, I this day sent for my friend Mr. Hunter, the great surgeon and anatomist of Covent-garden; and, though my belly was not yet very full and tight, let out ten quarts

of water; the young sea-surgeon attended the operation, not as a performer, but as a student.

I was now eased of the greatest apprehension which I had from the length of the passage; and I told the captain I was become indifferent as to the time of his sailing. He expressed much satisfaction in this declaration, and at hearing from me, that I found myself, since my tapping, much lighter and better. In this, I believe, he was sincere; for he was, as we shall have occasion to observe more than once, a very good-natured man; and as he was a very brave one too, I found that the heroic constancy with which I had borne an operation, that is attended with scarce any degree of pain, had not a little raised me in his esteem. That he might adhere, therefore, in the most religious and rigorous manner to his word, when he had no longer any temptation from interest to break it, as he had no longer any hopes of more goods or passengers, he ordered his ship to fall down to Gravesend on Sunday morning, and there to wait his arrival.

*Sunday*, *June* 30. Nothing worth notice passed till that morning, when my poor wife, after passing a night in the utmost torments of the toothache, resolved to have it drawn. I dispatched, therefore, a servant into Wapping, to bring, in haste, the best tooth-drawer he could find. He soon found out a female of great eminence in the art; but when he brought her to the boat, at the water-side, they were informed that the ship was gone; for, indeed, she had set out a few minutes after his quitting her; nor did the pilot, who well knew the errand on which I had sent my servant, think fit to wait a moment for his return, or to give me any notice of his setting out, though I had, very patiently, attended the delays of the captain four days, after many solemn promises of weighing anchor every one of the three last.

But of all the petty bashaws, or turbulent tyrants I ever beheld, this sour-faced pilot was the worst tempered; for, during the time that he had the guidance of the ship, which was till we arrived in the Downs, he complied with no one's desires, nor did he give a civil word, or, indeed, a civil look to any on board.

The tooth-drawer, who, as I said before, was one of great eminence among her neighbours, refused to follow the ship; so that my man made himself the best of his way, and, with some difficulty, came up with us before we were got under full sail; for, after that, as we had both wind and tide with us, he would have found it impossible to overtake the ship, till she was come to an anchor at Gravesend.

The morning was fair and bright, and we had a passage thither, I think, as pleasant as can be conceived: for, take it with all its advantages, particularly the number of fine ships you are always sure of seeing by the way, there is nothing to equal it in all the rivers of the world. The yards of Deptford and of Woolwich are noble sights; and give us a just idea of the great perfection to which we are arrived in building those floating castles, and the figure which we may always make in Europe among the other maritime powers. That of Woolwich, at least, very strongly imprinted this idea on my mind; for there was now on the stocks there the Royal Anne, supposed to be the largest ship ever built, and which contains ten carriage guns more than had ever yet equipped a first rate.

It is true, perhaps, that there is more of ostentation than of real utility in ships of this vast and unwieldy burden, which are rarely capable of acting against an enemy, but if the building such contributes to preserve, among other nations, the notion of the British superiority in naval affairs, the expence, though very great, is well

incurred, and the ostentation is laudable and truly political. Indeed, I should be sorry to allow that Holland, France, or Spain, possessed a vessel larger and more beautiful than the largest and most beautiful of ours; for this honour I would always administer to the pride of our sailors, who should challenge it from all their neighbours with truth and success. And sure I am, that not our honest tars alone, but every inhabitant of this island, may exult in the comparison, when he considers the King of Great Britain as a maritime prince, in opposition to any other prince in Europe; but I am not so certain that the same idea of superiority will result from comparing our land forces with those of many other crowned heads. In numbers, they all far exceed us, and in the goodness and splendour of their troops, many nations, particularly the Germans and French, and perhaps the Dutch, cast us at a distance; for, however we may flatter ourselves with the Edwards and Henrys of former ages, the change of the whole art of war since those days, by which the advantage of personal strength is in a manner entirely lost, hath produced a change in military affairs to the advantage of our enemies. As for our successes in later days, if they were not entirely owing to the superior genius of our general, they were not a little due to the superior force of his money. Indeed, if we should arraign Marshal Saxe of ostentation when he shewed his army, drawn up, to our captive general, the day after the battle of La Val, we cannot say that the ostentation was entirely vain; since he certainly shewed him an army which had not been often equalled, either in the number or goodness of the troops, and which, in those respects, so far exceeded ours, that none can ever cast any reflection on the brave young prince who could not reap the laurels of conquest in that day; but his

retreat will be always mentioned as an addition to his glory.

In our marine the case is entirely the reverse, and it must be our own fault if it doth not continue so; for continue so it will as long as the flourishing state of our trade shall support it, and this support it can never want till our legislature shall cease to give sufficient attention to the protection of our trade, and our magistrates want sufficient power, ability, and honesty, to execute the laws: a circumstance not to be apprehended, as it cannot happen till our senates and our benches shall be filled with the blindest ignorance, or with the blackest corruption.

Besides the ships in the docks, we saw many on the water; the yachts are sights of great parade, and the king's body yacht is, I believe, unequalled in any country for convenience as well as magnificence; both which are consulted in building and equipping her with the most exquisite art and workmanship.

We saw likewise several Indiamen just returned from their voyage. These are, I believe, the largest and finest vessels which are any where employed in commercial affairs. The colliers, likewise, which are very numerous, and even assemble in fleets, are ships of great bulk; and if we descend to those used in the American, African, and European trades, and pass through those which visit our own coasts, to the small craft that lie between Chatham and the Tower, the whole forms a most pleasing object to the eye, as well as highly warming to the heart of an Englishman, who has any degree of love for his country, or can recognise any effect of the patriot in his constitution.

Lastly, the Royal Hospital of Greenwich, which presents so delightful a front to the water, and doth such honour at once to its builder and the nation, to the great skill and ingenuity of the one, and to the no less sensible

gratitude of the other, very properly closes the account of this scene; which may well appear romantic to those who have not themselves seen that, in this one instance, truth and reality are capable, perhaps, of exceeding the power of fiction.

When we had passed by Greenwich we saw only two or three gentlemen's houses, all of very moderate account, till we reached Gravesend; these are all on the Kentish shore, which affords a much drier, wholesomer, and pleasanter situation, than doth that of its opposite, Essex. This circumstance, I own, is somewhat surprising to me, when I reflect on the numerous villas that crowd the river from Chelsea upwards as far as Shepperton, where the narrower channel affords not half so noble a prospect, and where the continual succession of the small craft, like the frequent repetition of all things, which have nothing in them great, beautiful or admirable, tire the eye, and give us distaste and aversion, instead of pleasure. With some of these situations, such as Barnes, Mortlake, &c., even the shore of Essex might contend, not upon very unequal terms; but, on the Kentish borders there are many spots to be chosen by the builder, which might justly claim the preference over almost the very finest of those in Middlesex and Surrey.

How shall we account for this depravity in taste? for, surely, there are none so very mean and contemptible, as to bring the pleasure of seeing a number of little wherries gliding along after one another, in competition with what we enjoy in viewing a succession of ships, with all their sails expanded to the winds, bounding over the waves before us.

And here I cannot pass by another observation on the deplorable want of taste in our enjoyments, which we show by almost totally neglecting the pursuit of what seems to me the highest degree of amusement; this is, the

sailing ourselves in little vessels of our own, contrived only for our ease and accommodation, to which such situations of our villas as I have recommended would be so convenient, and even necessary.

This amusement, I confess, if enjoyed in any perfection, would be of the expensive kind; but such expence would not exceed the reach of a moderate fortune, and would fall very short of the prices which are daily paid for pleasures of a far inferior rate. The truth, I believe, is that sailing in the manner I have just mentioned is a pleasure rather unknown, or unthought of, than rejected by those who have experienced it; unless, perhaps, the apprehension of danger, or sea-sickness, may be supposed, by the timorous and delicate, to make too large deductions; insisting that all their enjoyments should come to them pure and unmixed, and being ever ready to cry out,

—— *Nocet empta dolore voluptas.*

This, however, was my present case; for the ease and lightness which I felt from my tapping, the gaiety of the morning, the pleasant sailing with wind and tide, and the many agreeable objects with which I was constantly entertained during the whole way, were all suppressed and overcome by the single consideration of my wife's pain, which continued incessantly to torment her till we came to an anchor, when I dispatched a messenger, in great haste, for the best reputed operator in Gravesend. A surgeon of some eminence now appeared, who did not decline tooth-drawing, though he certainly would have been offended with the appellation of tooth-drawer, no less than his brethren, the members of that venerable body, would be with that of barber, since the late separation between those long-united companies, by which, if the surgeons have gained much, the barbers are supposed to have lost very little.

This able and careful person (for so I sincerely believe he is) after examining the guilty tooth, declared that it was such a rotten shell, and so placed at the very remotest end of the upper jaw, where it was in a manner, covered and secured by a large fine firm tooth, that he despaired of his power of drawing it.

He said, indeed, more to my wife, and used more rhetoric to dissuade her from having it drawn, than is generally employed to persuade young ladies to prefer a pain of three moments to one of three months' continuance; especially if those young ladies happen to be past forty and fifty years of age, when, by submitting to support a racking torment, the only good circumstance attending which is, it is so short that scarce one in a thousand can cry out I feel it, they are to do a violence to their charms, and lose one of those beautiful holders with which alone Sir Courtly Nice declares a lady can ever lay hold of his heart.

He said at last so much, and seemed to reason so justly, that I came over to his side, and assisted him in prevailing on my wife (for it was no easy matter) to resolve on keeping her tooth a little longer, and to apply palliatives only for relief. These were opium applied to the tooth, and blisters behind the ears.

Whilst we were at dinner this day, in the cabin, on a sudden the window on one side was beat into the room, with a crash as if a twenty-pounder had been discharged among us. We were all alarmed at the suddenness of the accident, for which, however, we were soon able to account, for the sash, which was shivered all to pieces, was pursued into the middle of the cabin by the bowsprit of a little ship, called a cod-smack, the master of which made us amends for running (carelessly at best) against us, and injuring the ship in the sea way; that is to say, by damning us all to hell, and uttering several pious

wishes that it had done us much more mischief. All which were answered in their own kind and phrase by our men; between whom and the other crew a dialogue of oaths and scurrility was carried on as long as they continued in each other's hearing.

It is difficult, I think, to assign a satisfactory reason why sailors in general should, of all others, think themselves entirely discharged from the common bands of humanity, and should seem to glory in the language and behaviour of savages! They see more of the world, and have, most of them, a more erudite education, than is the portion of landmen of their degree. Nor do I believe that in any country they visit (Holland itself not excepted) they can ever find a parallel to what daily passes on the river Thames. Is it that they think true courage (for they are the bravest fellows upon earth) inconsistent with all the gentleness of a humane carriage, and that the contempt of civil order springs up in minds but little cultivated at the same time and from the same principles with the contempt of danger and death? Is it ——? in short, it is so; and how it comes to be so I leave to form a question in the Robin Hood Society, or to be propounded for solution among the ænigmas in the Woman's Almanack for the next year.

*Monday*, *July* 1. This day Mr. Welch took his leave of me after dinner, as did a young lady of her sister, who was proceeding with my wife to Lisbon. They both set out together in a post-chaise for London.

Soon after their departure our cabin, where my wife and I were sitting together, was visited by two ruffians, whose appearance greatly corresponded with that of the sheriff's, or rather the knight-marshal's bailiffs. One of these especially, who seemed to affect a more than ordinary degree of rudeness and insolence, came in without any kind of ceremony, with a broad gold lace

on his hat, which was cocked with much military fierceness on his head. An inkhorn at his button-hole, and some papers in his hand, sufficiently assured me what he was, and I asked him if he and his companion were not custom-house officers; he answered with sufficient dignity that they were, as an information which he seemed to conclude would strike the hearer with awe, and suppress all farther inquiry; but, on the contrary, I proceeded to ask of what rank he was in the custom-house, and receiving an answer from his companion, as I remember, that the gentleman was a riding surveyor; I replied, that he might be a riding surveyor, but could be no gentleman, for that none who had any title to that denomination would break into the presence of a lady without an apology, or even moving his hat. He then took his covering from his head, and laid it on the table, saying, he asked pardon, and blamed the mate, who should, he said, have informed him if any persons of distinction were below. I told him he might guess by our appearance (which, perhaps, was rather more than could be said with the strictest adherence to truth) that he was before a gentleman and lady, which should teach him to be very civil in his behaviour, though we should not happen to be of that number whom the world calls people of fashion and distinction. However, I said, that as he seemed sensible of his error, and had asked pardon, the lady would permit him to put his hat on again, if he chose it. This he refused with some degree of surliness, and failed not to convince me, that if I should condescend to become more gentle he would soon grow more rude.

I now renewed a reflection, which I have often seen occasion to make, that there is nothing so incongruous in nature as any kind of power with lowness of mind and of ability, and that there is nothing more deplorable

than the want of truth in the whimsical notion of Plato; who tells us, that 'Saturn, well knowing the state of 'human affairs, gave us kings and rulers, not of human 'but divine original, for as we make not shepherds of 'sheep, nor oxherds of oxen, nor goatherds of goats; but 'place some of our own kind over all, as being better 'and fitter to govern them; in the same manner were 'demons by the Divine Love set over us, as a race of 'beings of a superior order to men, and who, with 'great ease to themselves, might regulate our affairs, 'and establish peace, modesty, freedom, and justice; 'and totally destroying all sedition, might complete the 'happiness of the human race. So far, at least, may 'even now be said with truth, that in all states which 'are under the government of mere man, without any 'divine assistance, there is nothing but labour and 'misery to be found. From what I have said there-'fore we may at least learn, with our utmost endea-'vours, to imitate the Saturnian institution; borrowing 'all assistance from our immortal part, while we pay 'to this the strictest obedience, we should form both 'our private œconomy and public policy from its dic-'tates. By this dispensation of our immortal minds we 'are to establish a law, and to call it by that name. 'But if any government be in the hands of a single 'person, of the few, or of the many; and such governor 'or governors shall abandon himself or themselves to 'the unbridled pursuit of the wildest pleasures or desires, 'unable to restrain any passion, but possessed with an 'insatiable bad disease; if such shall attempt to govern, 'and at the same time to trample on all laws, there can 'be no means of preservation left for the wretched 'people.' Plato de Leg. lib. iv. p. 713. c. 714. edit. Serrani.

It is true that Plato is here treating of the highest of

sovereign power in a state; but it is as true that his observations are general, and may be applied to all inferior powers; and, indeed, every subordinate degree is immediately derived from the highest; and as it is equally protected by the same force, and sanctified by the same authority, is alike dangerous to the well-being of the subject.

Of all powers, perhaps, there is none so sanctified and protected as this which is under our present consideration. So numerous, indeed, and strong are the sanctions given to it by many acts of parliament, that having once established the laws of customs on merchandize, it seems to have been the sole view of the legislature to strengthen the hands and to protect the persons of the officers, who became established by those laws; many of whom are so far from bearing any resemblance to the Saturnian institution, and to be chosen from a degree of beings superior to the rest of the human race, that they sometimes seem industriously picked out of the lowest and vilest orders of mankind.

There is, indeed, nothing so useful to man in general, nor so beneficial to particular societies and individuals, as trade. This is that *alma mater* at whose plentiful breast all mankind are nourished. It is true, like other parents, she is not always equally indulgent to all her children; but though she gives to her favourites a vast proportion of redundancy and superfluity, there are very few whom she refuses to supply with the conveniences, and none with the necessaries of life.

Such a benefactress as this must naturally be beloved by mankind in general; it would be wonderful, therefore, if her interest was not considered by them, and protected from the fraud and violence of some of her rebellious offspring, who, coveting more than their share, or more than she thinks proper to allow them, are daily

employed in meditating mischief against her, and in endeavouring to steal from their brethren those shares which this great *alma mater* had allowed them.

At length our governor came on board, and about six in the evening we weighed anchor, and fell down to the Nore, whither our passage was extremely pleasant, the evening being very delightful, the moon just past the full, and both wind and tide favourable to us.

*Tuesday*, *July* 2.—This morning we again set sail, under all the advantages we had enjoyed the evening before: this day we left the shore of Essex, and coasted along Kent, passing by the pleasant island of Thanet, which is an island, and that of Sheppy, which is not an island, and about three o'clock, the wind being now full in our teeth, we came to an anchor in the Downs, within two miles of Deal. My wife, having suffered intolerable pain from her tooth, again renewed her resolution of having it drawn, and another surgeon was sent for from Deal, but with no better success than the former. He likewise declined the operation, for the same reason which had been assigned by the former; however, such was her resolution, backed with pain, that he was obliged to make the attempt, which concluded more in honour of his judgment than of his operation; for after having put my poor wife to inexpressible torment, he was obliged to leave her tooth *in statu quo:* and she had now the comfortable prospect of a long fit of pain, which might have lasted her whole voyage, without any possibility of relief.

In these pleasing sensations, of which I had my just share, Nature, overcome with fatigue, about eight in the evening resigned her to rest; a circumstance which would have given me some happiness, could I have known how to employ those spirits who were raised by it; but, unfortunately for me, I was left in a disposition of enjoying an agreeable hour without the assistance of a

companion, which has always appeared to me necessary to such enjoyment; my daughter and her companion were both retired sea-sick to bed; the other passengers were a rude school-boy of fourteen years old, and an illiterate Portuguese friar, who understood no language but his own, in which I had not the least smattering. The captain was the only person left in whose conversation I might indulge myself; but unluckily, besides a total ignorance of every thing in the world but a ship, he had the misfortune of being so deaf, that to make him hear, I will not say understand, my words, I must run the risk of conveying them to the ears of my wife, who, though in another room (called, I think, the state-room; being, indeed, a most stately apartment, capable of containing one human body in length, if not very tall, and three bodies in breadth), lay asleep within a yard of me. In this situation necessity and choice were one and the same thing; the captain and I sat down together to a small bowl of punch, over which we both soon fell fast asleep, and so concluded the evening.

*Wednesday*, *July* 3. This morning I awaked at four o'clock, for my distemper seldom suffered me to sleep later. I presently got up, and had the pleasure of enjoying the sight of a tempestuous sea for four hours before the captain was stirring; for he loved to indulge himself in morning slumbers, which were attended with a wind-music, much more agreeable to the performers than to the hearers, especially such as have, as I had, the privilege of sitting in the orchestra. At eight o'clock the captain rose, and sent his boat on shore. I ordered my man likewise to go in it, as my distemper was of that kind which entirely deprives us of appetite. Now, though the captain had well victualled his ship with all manner of salt provisions for the voyage, and had added great quantities of fresh stores, particularly of vegetables, at Gravesend,

such as beans and peas, which had been on board only two days, and had possibly not been gathered above two more, I apprehended I could provide better for myself at Deal than the ship's ordinary seemed to promise. I accordingly sent for fresh provisions of all kinds from the shore, in order to put off the evil day of starving as long as possible. My man returned with most of the articles I sent for, and I now thought myself in a condition of living a week on my own provisions. I therefore ordered my own dinner, which I wanted nothing but a cook to dress, and a proper fire to dress it at; but those were not to be had, nor indeed any addition to my roast mutton, except the pleasure of the captain's company, with that of the other passengers; for my wife continued the whole day in a state of dozing, and my other females, whose sickness did not abate by the rolling of the ship at anchor, seemed more inclined to empty their stomachs than to fill them. Thus I passed the whole day (except about an hour at dinner) by myself, and the evening concluded with the captain as the preceding one had done; one comfortable piece of news he communicated to me, which was, that he had no doubt of a prosperous wind in the morning; but as he did not divulge the reasons of this confidence, and as I saw none myself besides the wind being directly opposite, my faith in this prophecy was not strong enough to build any great hopes upon.

*Tuesday*, *July* 4. This morning, however, the captain seemed resolved to fulfil his own predictions, whether the wind would or no; he accordingly weighed anchor, and taking the advantage of the tide, when the wind was not very boisterous, he hoisted his sails; and, as if his power had been no less absolute over Æolus than it was over Neptune, he forced the wind to blow him on in its own despite.

But as all men who have ever been at sea well know

how weak such attempts are, and want no authorities of Scripture to prove, that the most absolute power of a captain of a ship is very contemptible in the wind's eye, so did it befal our noble commander; who having struggled with the wind three or four hours, was obliged to give over, and lost in a few minutes all that he had been so long gaining; in short, we returned to our former station, and once more cast anchor in the neighbourhood of Deal.

Here, though we lay near the shore, that we might promise ourselves all the emolument which could be derived from it, we found ourselves deceived; and that we might with as much conveniency be out of the sight of land; for, except when the captain launched forth his own boat, which he did always with great reluctance, we were incapable of procuring any thing from Deal, but at a price too exorbitant, and beyond the reach even of modern luxury; the fare of a boat from Deal, which lay at two miles distance, being at least three half-crowns, and if we had been in any distress for it, as many half-guineas; for these good people consider the sea as a large common, appendant to their manor, in which, when they find any of their fellow-creatures impounded, they conclude that they have a full right of making them pay at their own discretion for their deliverance; to say the truth, whether it be that men who live on the sea-shore are of an amphibious kind, and do not entirely partake of human nature, or whatever else may be the reason, they are so far from taking any share in the distresses of mankind, or of being moved with any compassion for them, that they look upon them as blessings showered down from above; and which the more they improve to their own use, the greater is their gratitude and piety. Thus at Gravesend, a sculler requires a shilling for going less way than he would row in London for three-pence; and

at Deal, a boat often brings more profit in a day, than it can produce in London in a week, or, perhaps, in a month; in both places, the owner of the boat founds his demand on the necessity and distress of one, who stands more or less in absolute want of his assistance; and, with the urgency of these, always rises in the exorbitancy of his demand, without ever considering, that, from these very circumstances, the power or ease of gratifying such demand is in like proportion lessened. Now, as I am unwilling that some conclusions, which may be, I am aware, too justly drawn from these observations, should be imputed to human nature in general, I have endeavoured to account for them in a way more consistent with the goodness and dignity of that nature: however it be, it seems a little to reflect on the governors of such monsters, that they do not take some means to restrain these impositions, and prevent them from triumphing any longer in the miseries of those, who are, in many circumstances at least, their fellow-creatures, and considering the distresses of a wretched seaman, from his being wrecked to his being barely wind-bound, as a blessing sent among them from above, and calling it by that blasphemous name.

*Friday*, *July* 5. This day I sent a servant on board a man of war, that was stationed here, with my compliments to the captain, to represent to him the distress of the ladies, and to desire the favour of his long-boat to conduct us to Dover, at about seven miles distance; and, at the same time, presumed to make use of a great lady's name, the wife of the first lord commissioner of the admiralty; who would, I told him, be pleased with any kindness shewn by him towards us in our miserable condition. And this I am convinced was true, from the humanity of the lady, though she was entirely unknown to me.

The captain returned a verbal answer to a long letter; acquainting me, that what I desired could not be complied with, it being a favour not in his power to grant. This might be, and I suppose was true; but it is as true, that if he was able to write, and had pen, ink, and paper aboard, he might have sent a written answer, and that it was the part of a gentleman so to have done; but this is a character seldom maintained on the watery element, especially by those who exercise any power on it. Every commander of a vessel here seems to think himself entirely free from all those rules of decency and civility, which direct and restrain the conduct of the members of a society on shore; and each claiming absolute dominion in his little wooden world, rules by his own laws and his own discretion. I do not, indeed, know so pregnant an instance of the dangerous consequences of absolute power, and its aptness to intoxicate the mind, as that of those petty tyrants, who become such in a moment, from very well-disposed and social members of that communion, in which they affect no superiority, but live in an orderly state of legal subjection with their fellow-citizens.

*Saturday*, *July* 6. This morning our commander, declaring he was sure the wind would change, took the advantage of an ebbing tide, and weighed his anchor. His assurance, however, had the same completion, and his endeavours the same success, with his former trial; and he was soon obliged to return once more to his old quarters. Just before we let go our anchor, a small sloop, rather than submit to yield us an inch of way, ran foul of our ship, and carried off her bowsprit. This obstinate frolic would have cost those aboard the sloop very dear, if our steersman had not been too generous to exert his superiority, the certain consequence of which would have been the immediate sinking of the other.

This contention of the inferior, with a might capable of crushing it in an instant, may seem to argue no small share of folly or madness, as well as of impudence; but I am convinced there is very little danger in it: contempt is a port to which the pride of man submits to fly with reluctance, but those who are within it are always in a place of the most assured security; for whosoever throws away his sword, prefers, indeed, a less honourable, but much safer means of avoiding danger, than he who defends himself with it. And here we shall offer another distinction, of the truth of which much reading and experience have well convinced us, that as in the most absolute governments, there is a regular progression of slavery downwards, from the top to the bottom, the mischief of which is seldom felt with any great force and bitterness, but by the next immediate degree; so in the most dissolute and anarchical states, there is as regular an ascent of what is called rank or condition, which is always laying hold of the head of him, who is advanced but one step higher on the ladder, who might, if he did not too much despise such efforts, kick his pursuer headlong to the bottom. We will conclude this digression with one general and short observation, which will, perhaps, set the whole matter in a clearer light than the longest and most laboured harangue. Whereas envy of all things most exposes us to danger from others; so contempt of all things best secures us from them. And thus, while the dung-cart and the sloop are always meditating mischief against the coach and the ship, and throwing themselves designedly in their way, the latter consider only their own security, and are not ashamed to break the road, and let the other pass by them.

*Monday, July* 8. Having passed our Sunday without any thing remarkable, unless the catching a great

number of whitings in the afternoon may be thought so; we now set sail on Monday at six o'clock, with a little variation of wind; but this was so very little, and the breeze itself so small, that the tide was our best, and, indeed, almost our only friend. This conducted us along the short remainder of the Kentish shore. Here we passed that cliff of Dover, which makes so tremendous a figure in Shakspeare, and which, whoever reads without being giddy, must, according to Mr. Addison's observation, have either a very good head, or a very bad one; but which, whoever contracts any such ideas from the sight of, must have, at least, a poetic, if not a Shakspearian genius. In truth, mountains, rivers, heroes, and gods owe great part of their existence to the poets; and Greece and Italy do so plentifully abound in the former, because they furnished so glorious a number of the latter; who, while they bestowed immortality on every little hillock and blind stream, left the noblest rivers and mountains in the world to share the same obscurity with the eastern and western poets, in which they are celebrated.

This evening we beat the sea of Sussex, in sight of Dungeness, with much more pleasure than progress; for the weather was almost a perfect calm, and the moon, which was almost at the full, scarce suffered a single cloud to veil her from our sight.

*Tuesday*, *Wednesday*, *July* 9, 10. These two days we had much the same fine weather, and made much the same way; but, in the evening of the latter day, a pretty fresh gale sprung up, at N. N. W. which brought us by the morning in sight of the Isle of Wight.

*Thursday*, *July* 11. This gale continued till towards noon; when the east end of the island bore but a little a-head of us. The captain swaggered, and declared he would keep the sea; but the wind got the better of him,

so that about three he gave up the victory, and, making a sudden tack, stood in for the shore, passed by Spithead and Portsmouth, and came to an anchor at a place called Ryde on the island.

A most tragical incident fell out this day at sea. While the ship was under sail, but making, as will appear, no great way, a kitten, one of four of the feline inhabitants of the cabin, fell from the window into the water; an alarm was immediately given to the captain, who was then upon deck, and received it with the utmost concern and many bitter oaths. He immediately gave orders to the steersman in favour of the poor thing, as he called it; the sails were instantly slackened, and all hands, as the phrase is, employed to recover the poor animal. I was, I own, extremely surprised at all this; less, indeed, at the captain's extreme tenderness, than at his conceiving any possibility of success: for, if puss had had nine thousand, instead of nine lives, I concluded they had been all lost. The boatswain, however, had more sanguine hopes; for, having stript himself of his jacket, breeches, and shirt, he leaped boldly into the water, and to my great astonishment, in a few minutes, returned to the ship, bearing the motionless animal in his mouth. Nor was this, I observed, a matter of such great difficulty as it appeared to my ignorance, and possibly may seem to that of my fresh-water reader: the kitten was now exposed to air and sun on the deck, where its life, of which it retained no symptoms, was despaired of by all.

The captain's humanity, if I may so call it, did not so totally destroy his philosophy, as to make him yield himself up to affliction on this melancholy occasion. Having felt his loss like a man, he resolved to shew he could bear it like one; and having declared he had rather have lost a cask of rum or brandy, betook him-

self to threshing at back-gammon with the Portuguese friar, in which innocent amusement they had passed about two-thirds of their time.

But, as I have, perhaps, a little too wantonly endeavoured to raise the tender passions of my readers in this narrative, I should think myself unpardonable if I concluded it, without giving them the satisfaction of hearing that the kitten at last recovered, to the great joy of the good captain; but to the great disappointment of some of the sailors, who asserted that the drowning a cat was the very surest way of raising a favourable wind; a supposition of which, though we have heard several plausible accounts, we will not presume to assign the true original reason.

*Friday*, *July* 12. This day our ladies went ashore at Ryde, and drank their afternoon tea at an ale-house there with great satisfaction; here they were regaled with fresh cream, to which they had been strangers since they left the Downs.

*Saturday*, *July* 13. The wind seeming likely to continue in the same corner, where it had been almost constantly for two months together, I was persuaded by my wife to go ashore, and stay at Ryde till we sailed. I approved the motion much; for, though I am a great lover of the sea, I now fancied there was more pleasure in breathing the fresh air of the land; but how to get thither was the question; for being really that dead luggage, which I considered all passengers to be in the beginning of this narrative, and incapable of any bodily motion without external impulse, it was in vain to leave the ship, or to determine to do it without the assistance of others. In one instance, perhaps, the living luggage is more difficult to be moved, or removed, than an equal or much superior weight of dead matter; which, if of the brittle kind, may, indeed, be liable to be broken through

negligence; but this, by proper care, may be almost certainly prevented; whereas the fractures to which the living lumps are exposed are sometimes by no caution avoidable, and often by no art to be amended.

I was deliberating on the means of conveyance, not so much out of the ship to the boat, as out of a little tottering boat to the land. A matter which, as I had already experienced in the Thames, was not extremely easy, when to be performed by any other limbs than your own. Whilst I weighed all that could suggest itself on this head, without strictly examining the merit of the several schemes which were advanced by the captain and sailors, and, indeed, giving no very deep attention even to my wife, who, as well as her friend and my daughter, were exerting their tender concern for my ease and safety: Fortune, for I am convinced she had a hand in it, sent me a present of a buck; a present welcome enough of itself, but more welcome on account of the vessel in which it came, being a large hoy, which in some places would pass for a ship, and many people would go some miles to see the sight. I was pretty easily conveyed on board this hoy, but to get from hence to the shore was not so easy a task; for, however strange it may appear, the water itself did not extend so far; an instance which seems to explain those lines of Ovid,

*Omnia Pontus erant, deerant quoque littora Ponto,*

in a less tautological sense than hath generally been imputed to them.

In fact, between the sea and the shore there was, at low water, an impassable gulph, if I may so call it, of deep mud, which could neither be traversed by walking nor swimming; so that for near one-half of the twenty-

four hours Ryde was inaccessible by friend or foe. But as the magistrates of this place seemed more to desire the company of the former than to fear that of the latter, they had begun to make a small causeway to the low-water mark, so that foot passengers might land whenever they pleased; but as this work was of a public kind, and would have cost a large sum of money, at least ten pounds, and the magistrates, that is to say, the church-wardens, the overseers, constable, and tithingman, and the principal inhabitants, had every one of them some separate scheme of private interest to advance at the expence of the public, they fell out among themselves; and, after having thrown away one half of the requisite sum, resolved at least to save the other half, and rather be contented to sit down losers themselves, than to enjoy any benefit which might bring in a greater profit to another. Thus that unanimity which is so necessary in all public affairs became wanting, and every man, from the fear of being a bubble to another, was, in reality, a bubble to himself.

However, as there is scarce any difficulty to which the strength of men, assisted with the cunning of art, is not equal, I was at last hoisted into a small boat, and, being rowed pretty near the shore, was taken up by two sailors, who waded with me through the mud, and placed me in a chair on the land, whence they afterwards conveyed me a quarter of a mile farther, and brought me to a house which seemed to bid the fairest for hospitality of any in Ryde.

We brought with us our provisions from the ship, so that we wanted nothing but a fire to dress our dinner, and a room in which we might eat it. In neither of these had we any reason to apprehend a disappointment, our dinner consisting only of beans and bacon; and the worst apartment in his Majesty's dominions, either at

home or abroad, being fully sufficient to answer our present ideas of delicacy.

Unluckily, however, we were disappointed in both; for when we arrived about four at our inn, exulting in the hopes of immediately seeing our beans smoking on the table, we had the mortification of seeing them on the table indeed, but without that circumstance which would have made the sight agreeable, being in the same state in which we had dispatched them from our ship.

In excuse for this delay, though we had exceeded, almost purposely, the time appointed, and our provision had arrived three hours before, the mistress of the house acquainted us, that it was not for want of time to dress them that they were not ready, but for fear of their being cold or overdone before we should come; which she assured us was much worse than waiting a few minutes for our dinner; an observation so very just, that it is impossible to find any objection in it; but, indeed, it was not altogether so proper at this time; for we had given the most absolute orders to have them ready at four, and had been ourselves, not without much care and difficulty, most exactly punctual in keeping to the very minute of our appointment. But tradesmen, inn-keepers, and servants, never care to indulge us in matters contrary to our true interest, which they always know better than ourselves; nor can any bribes corrupt them to go out of their way, whilst they are consulting our good in our own despite.

Our disappointment in the other particular, in defiance of our humility, as it was more extraordinary, was more provoking. In short, Mrs. Francis (for that was the name of the good woman of the house), no sooner received the news of our intended arrival, than she considered more the gentility than the humanity of her guests, and applied herself not to that which kindles

but to that which extinguishes fires, and, forgetting to put on her pot, fell to washing her house.

As the messenger who had brought my venison was impatient to be dispatched, I ordered it to be brought and laid on the table, in the room where I was seated; and the table not being large enough, one side, and that a very bloody one, was laid on the brick floor. I then ordered Mrs. Francis to be called in, in order to give her instructions concerning it; in particular, what I would have roasted and what baked; concluding that she would be highly pleased with the prospect of so much money being spent in her house as she might have now reason to expect, if the wind continued only a few days longer to blow from the same points whence it had blown for several weeks past.

I soon saw good cause, I must confess, to despise my own sagacity. Mrs. Francis, having received her orders, without making any answer, snatched the side from the floor, which remained stained with blood, and, bidding a servant to take up that on the table, left the room with no pleasant countenance, muttering to herself, that 'had 'she known the litter which was to have been made, 'she would not have taken such pains to wash her house 'that morning. If this was gentility, much good may 'it do such gentlefolks; for her part she had no notion 'of it.'

From these murmurs I received two hints. The one, that it was not from a mistake of our inclination that the good woman had starved us, but from wisely consulting her own dignity, or rather perhaps her vanity, to which our hunger was offered up as a sacrifice. The other, that I was now sitting in a damp room; a circumstance, though it had hitherto escaped my notice, from the colour of the bricks, which was by no means to be neglected in a valetudinary state.

My wife, who, besides discharging excellently well her own and all the tender offices becoming the female character; who, besides being a faithful friend, an amiable companion, and a tender nurse, could likewise supply the wants of a decrepit husband, and occasionally perform his part, had, before this, discovered the immoderate attention to neatness in Mrs. Francis, and provided against its ill consequences. She had found, though not under the same roof, a very snug apartment belonging to Mr. Francis, and which had escaped the mop by his wife's being satisfied it could not possibly be visited by gentlefolks.

This was a dry, warm, oaken-floored barn, lined on both sides with wheaten straw, and opening at one end with a green field, and a beautiful prospect. Here, without hesitation, she ordered the cloth to be laid, and came hastily to snatch me from worse perils by water than the common dangers of the sea.

Mrs. Francis, who could not trust her own ears, or could not believe a footman in so extraordinary a phenomenon, followed my wife, and asked her, if she had indeed ordered the cloth to be laid in the barn? She answered in the affirmative; upon which Mrs. Francis declared she would not dispute her pleasure, but it was the first time, she believed, that quality had ever preferred a barn to a house. She shewed at the same time the most pregnant marks of contempt, and again lamented the labour she had undergone, through her ignorance of the absurd taste of her guests.

At length we were seated in one of the most pleasant spots, I believe, in the kingdom; and were regaled with our beans and bacon, in which there was nothing deficient but the quantity. This defect was, however, so deplorable, that we had consumed our whole dish before we had visibly lessened our hunger. We now waited with

impatience the arrival of our second course, which necessity, and not luxury, had dictated. This was a joint of mutton, which Mrs. Francis had been ordered to provide; but when, being tired with expectation, we ordered our servants *to see for something else*, we were informed that there was nothing else; on which Mrs. Francis being summoned, declared there was no such thing as mutton to be had at Ryde. When I expressed some astonishment at their having no butcher in a village so situated, she answered they had a very good one, and one that killed all sorts of meat in season, beef two or three times a year, and mutton the whole year round; but that it being then beans and peas time, he killed no meat, by reason he was not sure of selling it. This she had not thought worthy of communication, any more than that there lived a fisherman at next door, who was then provided with plenty of soals, and whitings, and lobsters, far superior to those which adorn a city feast. This discovery being made by accident, we completed the best, the pleasantest, and the merriest meal, with more appetite, more real solid luxury, and more festivity, than was ever seen in an entertainment at White's.

It may be wondered at, perhaps, that Mrs. Francis should be so negligent of providing for her guests, as she may seem to be thus inattentive to her own interest; but this was not the case; for having clapt a poll-tax on our heads at our arrival, and determined at what price to discharge our bodies from her house, the less she suffered any other to share in the levy the clearer it came into her own pocket; and that it was better to get twelve pence in a shilling than ten pence, which latter would be the case if she afforded us fish at any rate.

Thus we passed a most agreeable day, owing to good appetites and good humour; two hearty feeders, which will devour with satisfaction whatever food you place

before them; whereas, without these, the elegance of St. James's, the charde, the perigord pye, or the ortolan, the venison, the turtle, or the custard, may titillate the throat, but will never convey happiness to the heart, or cheerfulness to the countenance.

As the wind appeared still immoveable, my wife proposed my lying on shore. I presently agreed though in defiance of an act of parliament, by which persons wandering abroad, and lodging in ale-houses, are decreed to be rogues and vagabonds; and this too after having been very singularly officious in putting that law in execution.

My wife, having reconnoitred the house, reported that there was one room in which were two beds. It was concluded, therefore, that she and Harriot should occupy one and myself take possession of the other. She added likewise an ingenious recommendation of this room, to one who had so long been in a cabin, which it exactly resembled, as it was sunk down with age on one side, and was in the form of a ship with gunwales to.

For my own part, I make little doubt but this apartment was an antient temple, built with the materials of a wreck, and probably dedicated to Neptune, in honour of THE BLESSING sent by him to the inhabitants; such blessings having, in all ages, been very common to them. The timber employed in it confirms this opinion, being such as is seldom used by any but shipbuilders. I do not find, indeed, any mention of this matter in Hearn; but, perhaps, its antiquity was too modern to deserve his notice. Certain it is, that this island of Wight was not an early convert to Christianity; nay, there is some reason to doubt whether it was ever entirely converted. But I have only time to touch slightly on things of this kind, which, luckily for us, we have a Society whose peculiar profession it is to discuss and develope.

*Sunday, July* 19. This morning early I summoned Mrs. Francis, in order to pay her the preceding day's account. As I could recollect only two or three articles, I thought there was no necessity of pen and ink. In a single instance only we had exceeded what the law allows gratis to a foot soldier on his march, viz. vinegar, salt, &c., and dressing his meat. I found, however, I was mistaken in my calculation; for when the good woman attended with her bill, it contained as follows:

| | £. | *s.* | *d.* |
|---|---|---|---|
| Bread and beer . . . . . | 0 | 2 | 4 |
| Wind . . . . . | 0 | 2 | 0 |
| Rum . . . . . | 0 | 2 | 0 |
| Dressing dinner . . . . . | 0 | 3 | 0 |
| Tea . . . . . | 0 | 1 | 6 |
| Firing . . . . . | 0 | 1 | 0 |
| Lodging . . . . . | 0 | 1 | 6 |
| Servants' lodging . . . . . | 0 | 0 | 6 |
| | £0 | 13 | 10 |

Now that five people, and two servants, should live a day and night at a public house for so small a sum will appear incredible to any person in London above the degree of a chimney-sweeper; but more astonishing will it seem that these people should remain so long at such a house without tasting any other delicacy than bread, small-beer, a tea-cup full of milk called cream, a glass of rum converted into punch by their own materials, and one bottle of *wind*, of which we only tasted a single glass, though possibly, indeed, our servants drank the remainder of the bottle.

This *wind* is a liquor of English manufacture, and

its flavour is thought very delicious by the generality of the English, who drink it in great quantities. Every seventh year is thought to produce as much as the other six. It is then drank so plentifully that the whole nation are in a manner intoxicated by it; and consequently very little business is carried on at that season.

It resembles in colour the red wine which is imported from Portugal, as it doth in its intoxicating quality; hence, and from this agreement in the orthography, the one is often confounded with the other, though both are seldom esteemed by the same person. It is to be had in every parish of the kingdom, and a pretty large quantity is consumed in the metropolis, where several taverns are set apart solely for the vendition of this liquor, the masters never dealing in any other.

The disagreement in our computation produced some small remonstrance to Mrs. Francis on my side; but this received an immediate answer. She scorned to overcharge gentlemen; her house had been always frequented by the very best gentry of the island; and she had never had a bill found fault with in her life, though she had lived upwards of forty years in the house, and within that time the greatest gentry in Hampshire had been at it, and that lawyer Willis never went to any other, when he came to those parts. That for her part she did not get her livelihood by travellers, who were gone and away, and she never expected to see them more, but that her neighbours might come again; wherefore, to be sure, they had the only right to complain.

She was proceeding thus, and from her volubility of tongue seemed likely to stretch the discourse to an immoderate length, when I suddenly cut all short by paying the bill.

This morning our ladies went to church, more, I fear, from curiosity than religion; they were attended by the

captain in a most military attire, with his cockade in his hat, and his sword by his side. So unusual an appearance in this little chapel drew the attention of all present, and probably disconcerted the women, who were in dishabille, and wished themselves drest, for the sake of the curate, who was the greatest of their beholders.

While I was left alone I received a visit from Mr. Francis himself, who was much more considerable as a farmer than as an inn-holder. Indeed, he left the latter entirely to the care of his wife, and he acted wisely, I believe, in so doing.

As nothing more remarkable passed on this day I will close it with the account of these two characters, as far as a few days' residence could inform me of them. If they should appear as new to the reader as they did to me, he will not be displeased at finding them here.

This amiable couple seemed to border hard on their grand climacteric; nor indeed were they shy of owning enough to fix their ages within a year or two of that time. They appeared to be rather proud of having employed their time well than ashamed of having lived so long; the only reason which I could ever assign why some fine ladies, and fine gentlemen too, should desire to be thought younger than they really are by the contemporaries of their grandchildren. Some, indeed, who too hastily credit appearances, might doubt whether they had made so good a use of their time as I would insinuate, since there was no appearance of any thing but poverty, want, and wretchedness, about their house; nor could they produce any thing to a customer in exchange for his money but a few bottles of *wind*, and spirituous liquors, and some very bad ale, to drink; with rusty bacon and worse cheese to eat. But then it should be considered, on the other side, that what-

ever they received was almost as entirely clear profit as the blessing of a wreck itself; such an inn being the very reverse of a coffee-house; for here you can neither sit for nothing nor have any thing for your money.

Again, as many marks of want abounded every where, so were the marks of antiquity visible. Scarce any thing was to be seen which had not some scar upon it, made by the hand of Time; not an utensil, it was manifest, had been purchased within a dozen years last past; so that whatever money had come into the house during that period at least must have remained in it, unless it had been sent abroad for food, or other perishable commodities; but these were supplied by a small portion of the fruits of the farm, in which the farmer allowed he had a very good bargain. In fact, it is inconceivable what sums may be collected by starving only, and how easy it is for a man to die rich if he will but be contented to live miserable.

Nor is there in this kind of starving any thing so terrible as some apprehend. It neither wastes a man's flesh nor robs him of his cheerfulness. The famous Cornaro's case well proves the contrary; and so did farmer Francis, who was of a round stature, had a plump round face, with a kind of smile on it, and seemed to borrow an air of wretchedness rather from his coat's age than from his own.

The truth is, there is a certain diet which emaciates men more than any possible degree of abstinence; though I do not remember to have seen any caution against it, either in Cheney, Arbuthnot, or in any other modern writer on regimen. Nay, the very name is not, I believe, in the learned Dr. James's Dictionary; all which is the more extraordinary as it is a very common food in this kingdom, and the College themselves were not long since very liberally entertained with it by the present attorney

and other eminent lawyers, in Lincoln's-inn-hall, and were all made horribly sick by it.

But though it should not be found among our English physical writers, we may be assured of meeting with it among the Greeks; for nothing considerable in nature escapes their notice; though many things considerable in them, it is to be feared, have escaped the notice of their readers. The Greeks then, to all such as feed too voraciously on this diet give the name of HEAUTOFAGI, which our physicians will, I suppose, translate *men that eat themselves.*

As nothing is so destructive to the body as this kind of food, so nothing is so plentiful and cheap; but it was perhaps the only cheap thing the farmer disliked. Probably living much on fish might produce this disgust; for Diodorus Siculus attributes the same aversion in a people of Æthiopia to the same cause; he calls them the fish-eaters, and asserts, that they cannot be brought to eat a single meal with the Heautofagi by any persuasion, threat, or violence whatever, not even though they should kill their children before their faces.

What hath puzzled our physicians, and prevented them from setting this matter in the clearest light, is possibly one simple mistake, arising from a very excusable ignorance; that the passions of men are capable of swallowing food as well as their appetites; that the former, in feeding, resemble the state of those animals who chew the cud; and therefore, such men, in some sense, may be said to prey on themselves, and as it were to devour their own entrails. And hence ensues a meagre aspect, and thin habit of body, as surely as from what is called a consumption.

Our farmer was one of these. He had no more passion than an Ichthuofagus or Æthiopian fisher. He wished not for any thing, thought not of any thing;

indeed, he scarce did any thing, or said any thing. Here I cannot be understood strictly; for then I must describe a non-entity, whereas I would rob him of nothing but that free agency which is the cause of all the corruption and of all the misery of human nature. No man, indeed, ever did more than the farmer, for he was an absolute slave to labour all the week; but in truth, as my sagacious reader must have at first apprehended, when I said he resigned the care of the house to his wife, I meant more than I then expressed, even the house and all that belonged to it; for he was really a farmer, only under the direction of his wife. In a word, so composed, so serene, so placid a countenance, I never saw; and he satisfied himself by answering to every question he was asked; 'I don't know any thing about it, Sir; I leaves 'all that to my wife.'

Now as a couple of this kind would, like two vessels of oil, have made no composition in life, and for want of all savour must have palled every taste; Nature, or Fortune, or both of them, took care to provide a proper quantity of acid in the materials that formed the wife, and to render her a perfect helpmate for so tranquil a husband. She abounded in whatsoever he was defective; that is to say, in almost every thing. She was indeed as vinegar to oil, or a brisk wind to a standing-pool, and preserved all from stagnation and corruption.

Quin the player, on taking a nice and severe survey of a fellow-comedian, burst forth into this exclamation. 'If that fellow be not a rogue, God Almighty doth not 'write a legible hand.' Whether he guessed right or no, is not worth my while to examine; certain it is, that the latter having wrought his features into a proper harmony to become the characters of Iago, Shylock, and others of the same cast, gave us a semblance of truth to the observation, that was sufficient to confirm the wit of it.

Indeed, we may remark, in favour of the physiognomist, though the law has made him a rogue and vagabond, that Nature is seldom curious in her works within, without employing some little pains on the outside; and this more particularly in mischievous characters, in forming which, as Mr. Derham observes, in venomous insects, as the sting or saw of a wasp, she is sometimes wonderfully industrious. Now, when she hath thus completely armed our hero to carry on a war with man, she never fails of furnishing that innocent lambkin with some means of knowing his enemy, and foreseeing his designs. Thus she hath been observed to act in the case of a rattle-snake, which never meditates human prey without giving warning of his approach.

This observation will, I am convinced, hold most true, if applied to the most venomous individuals of human insects. A tyrant, a trickster, and a bully, generally wear the marks of their several dispositions in their countenances; so do the vixen, the shrew, the scold, and all other females of the like kind. But, perhaps, Nature hath never afforded a stronger example of all this, than in the case of Mrs. Francis. She was a short, squat woman; her head was closely joined to her shoulders, where it was fixed somewhat awry; every feature of her countenance was sharp and pointed; her face was furrowed with the small-pox; and her complexion, which seemed to be able to turn milk to curds, not a little resembled in colour such milk as had already undergone that operation. She appeared, indeed, to have many symptoms of a deep jaundice in her look; but the strength and firmness of her voice overbalanced them all; the tone of this was a sharp treble at a distance, for I seldom heard it on the same floor; but was usually waked with it in the morning, and entertained with it almost continually through the whole day.

Though vocal be usually put in opposition to instrumental music, I question whether this might not be thought to partake of the nature of both; for she played on two instruments, which she seemed to keep for no other use from morning till night; these were two maids, or rather scolding-stocks, who, I suppose, by some means or other, earned their board, and she gave them their lodging *gratis*, or for no other service than to keep her lungs in constant exercise.

She differed, as I have said, in every particular from her husband; but very remarkably in this, that as it was impossible to displease him, so it was as impossible to please her; and as no art could remove a smile from his countenance, so could no art carry it into hers. If her bills were remonstrated against, she was offended with the tacit censure of her fair-dealing; if they were not, she seemed to regard it as a tacit sarcasm on her folly, which might have set down larger prices with the same success. On this latter hint she did indeed improve; for she daily raised some of her articles. A pennyworth of fire was to-day rated at a shilling, to-morrow at eighteen-pence; and if she dressed us two dishes for two shillings on the Saturday, we paid half a crown for the cookery of one on the Sunday; and wherever she was paid, she never left the room without lamenting the small amount of her bill; saying, she knew not how it was that others got their money by gentlefolks, but for her part she had not the art of it. When she was asked why she complained, when she was paid all she demanded; she answered, she could not deny that, nor did she know she had omitted any thing; but that it was but a poor bill for gentlefolks to pay.

I accounted for all this by her having heard, that it is a maxim with the principal inn-holders on the continent, to levy considerable sums on their guests who

travel with many horses and servants, though such guests should eat little or nothing in their houses; the method being, I believe, in such cases, to lay a capitation on the horses, and not on their masters. But she did not consider, that in most of these inns a very great degree of hunger, without any degree of delicacy, may be satisfied; and that in all such inns there is some appearance, at least, of provision, as well as of a man cook to dress it, one of the hostlers being always furnished with a cook's cap, waistcoat, and apron, ready to attend gentlemen and ladies on their summons; that the case therefore of such inns differed from hers, where there was nothing to eat or to drink; and in reality no house to inhabit, no chair to sit upon, nor any bed to lie in; that one third or fourth part therefore of the levy imposed at inns was, in truth, a higher tax than the whole was when laid on in the other, where, in order to raise a small sum, a man is obliged to submit to pay as many various ways for the same thing as he doth to the government for the light which enters through his own window into his own house, from his own estate; such are the articles of bread and beer, firing, eating, and dressing dinner.

The foregoing is a very imperfect sketch of this extraordinary couple; for every thing is here lowered instead of being heightened. Those who would see them set forth in more lively colours, and with the proper ornaments, may read the descriptions of the Furies in some of the classical poets, or of the Stoic philosophers in the works of Lucian.

*Monday*, *July* 20. This day nothing remarkable passed; Mrs. Francis levied a tax of fourteen shillings for the Sunday. We regaled ourselves at dinner with venison and good claret of our own; and, in the afternoon, the women, attended by the captain, walked to see

a delightful scene two miles distant, with the beauties of which they declared themselves most highly charmed at their return, as well as with the goodness of the lady of the mansion, who had slipped out of the way, that my wife and her company might refresh themselves with the flowers and fruits with which her garden abounded.

*Tuesday*, *July* 21. This day, having paid our taxes of yesterday, we were permitted to regale ourselves with more venison. Some of this we would willingly have exchanged for mutton; but no such flesh was to be had nearer than Portsmouth, from whence it would have cost more to convey a joint to us, than the freight of a Portugal ham from Lisbon to London amounts to; for though the water-carriage be somewhat cheaper here than at Deal, yet can you find no waterman who will go on board his boat, unless by two or three hours rowing he can get drunk for the residue of the week.

And here I have an opportunity, which possibly may not offer again, of publishing some observations on that political economy of this nation, which, as it concerns only the regulation of the mob, is below the notice of our great men; though on the due regulation of this order depend many emoluments, which the great men themselves, or at least many who tread close on their heels, may enjoy, as well as some dangers which may some time or other arise from introducing a pure state of anarchy among them. I will represent the case, as it appears to me, very fairly and impartially between the mob and their betters.

The whole mischief which infects this part of our economy, arises from the vague and uncertain use of a word called Liberty, of which as scarce any two men with whom I have ever conversed seem to have one and the same idea, I am inclined to doubt whether

there be any simple universal notion represented by this word, or whether it conveys any clearer or more determinate idea, than some of those old Punic compositions of syllables, preserved in one of the comedies of Plautus, but at present, as I conceive, not supposed to be understood by any one.

By Liberty, however, I apprehend, is commonly understood the power of doing what we please; not absolutely, for then it would be inconsistent with law, by whose control the liberty of the freest people, except only the Hottentots and wild Indians, must always be restrained.

But, indeed, however largely we extend, or however moderately we confine, the sense of the word, no politician will, I presume, contend that it is to pervade in an equal degree, and be, with the same extent, enjoyed by every member of society; no such polity having been ever found, unless among those vile people just before commemorated. Among the Greeks and Romans, the servile and free conditions were opposed to each other; and no man who had the misfortune to be enrolled under the former could lay any claim to liberty, till the right was conveyed to him by that master whose slave he was, either by the means of conquest, of purchase, or of birth.

This was the state of all the free nations in the world; and this, till very lately, was understood to be the case of our own.

I will not indeed say this is the case at present, the lowest class of our people having shaken off all the shackles of their superiors, and become not only as free, but even freer, than most of their superiors. I believe it cannot be doubted, though, perhaps, we have no recent instance of it, that the personal attendance of every man, who hath three hundred pounds *per*

*annum*, in parliament is indispensably his duty; and that, if the citizens and burgesses of any city or borough shall choose such a one, however reluctant he appear, he may be obliged to attend, and be forcibly brought to his duty by the serjeant at arms.

Again, there are numbers of subordinate offices, some of which are of burthen, and others of expence, in the civil government; all of which persons, who are qualified, are liable to have imposed on them, may be obliged to undertake and properly execute, notwithstanding any bodily labour, or even danger, to which they may subject themselves, under the penalty of fines and imprisonment; nay, and what may appear somewhat hard, may be compelled to satisfy the losses which are eventually incident to that of sheriff in particular, out of their own private fortunes; and though this should prove the ruin of the family, yet the public, to whom the price is due, incurs no debt or obligation to preserve its officer harmless, let his innocence appear ever so clearly.

I purposely omit the mention of those military or militiary duties, which our old constitution laid upon its greatest members. These might, indeed, supply their posts with some other able-bodied men; but if no such could have been found, the obligation nevertheless remained, and they were compellable to serve in their own proper persons.

The only one, therefore, who is possessed of absolute liberty, is the lowest member of the society, who if he prefers hunger, or the wild product of the fields, hedges, lanes, and rivers, with the indulgence of ease and laziness, to a food a little more delicate, but purchased at the expence of labour, may lay himself under a shade; nor can be forced to take the other alternative from that which he hath, I will not affirm whether wisely or foolishly, chosen.

Here I may, perhaps, be reminded of the last vagrant act, where all such persons are compellable to work for the usual and accustomed wages allowed in the place; but this is a clause little known to the justices of the peace, and least likely to be executed by those who do know it, as they know likewise that it is formed on the ancient power of the justices to fix and settle these wages every year, making proper allowances for the scarcity and plenty of the times, the cheapness and dearness of the place; and that *the usual and accustomed wages*, are words without any force or meaning, when there are no such; but every man spunges and raps whatever he can get; and will haggle as long, and struggle as hard to cheat his employer of two-pence in a day's labour, as an honest tradesman will to cheat his customers of the same sum in a yard of cloth or silk.

It is a great pity then that this power, or rather this practice, was not revived; but this, having been so long omitted that it is become obsolete, will be best done by a new law, in which this power, as well as the consequent power of forcing the poor to labour at a moderate and reasonable rate, should be well considered and their execution facilitated; for gentlemen, who give their time and labour *gratis*, and even voluntarily, to the public, have a right to expect that all their business be made as easy as possible; and to enact laws without doing this is to fill our statute-books, much too full already, still fuller with dead letter, of no use but to the printer of the acts of parliament.

That the evil which I have here pointed at is of itself worth redressing, is, I apprehend, no subject of dispute; for why should any persons in distress be deprived of the assistance of their fellow-subjects, when they are willing amply to reward them for their labour? or, why should the lowest of the people be permitted to exact ten times

the value of their work? For those exactions increase with the degrees of necessity in their object, insomuch that on the former side many are horribly imposed upon, and that often in no trifling matters. I was very well assured that at Deal no less than ten guineas was required, and paid by the supercargo of an Indiaman for carrying him on board two miles from the shore, when she was just ready to sail; so that his necessity, as his pillager well understood, was absolute. Again, many others, whose indignation will not submit to such plunder, are forced to refuse the assistance, though they are often great sufferers by so doing. On the latter side, the lowest of the people are encouraged in laziness and idleness; while they live by a twentieth part of the labour that ought to maintain them, which is diametrically opposite to the interest of the public; for that requires a great deal to be done, not to be paid, for a little. And moreover, they are confirmed in habits of exaction, and are taught to consider the distresses of their superiors as their own fair emolument.

But enough of this matter, of which I at first intended only to convey a hint to those who are alone capable of applying the remedy, though they are the last to whom the notice of those evils would occur, without some such monitor as myself, who am forced to travel about the world in the form of a passenger. I cannot but say I heartily wish our governors would attentively consider this method of fixing the price of labour, and by that means of compelling the poor to work, since the due execution of such powers will, I apprehend, be found the true and only means of making them useful, and of advancing trade, from its present visibly declining state, to the height to which Sir William Petty, in his Political Arithmetic, thinks it capable of being carried.

In the afternoon the lady of the above-mentioned mansion called at our inn, and left her compliments to us with Mrs. Francis, with an assurance that while we continued wind-bound in that place, where she feared we could be but indifferently accommodated, we were extremely welcome to the use of any thing which her garden or her house afforded. So polite a message convinced us, in spite of some arguments to the contrary, that we were not on the coast of Africa, or on some island where the few savage inhabitants have little of human in them besides their form.

And here I mean nothing less than to derogate from the merit of this lady, who is not only extremely polite in her behaviour to strangers of her own rank, but so extremely good and charitable to all her poor neighbours who stand in need of her assistance, that she hath the universal love and praises of all who live near her. But, in reality, how little doth the acquisition of so valuable a character, and the full indulgence of so worthy a disposition, cost those who possess it! Both are accomplished by the very offals which fall from a table moderately plentiful. That they are enjoyed therefore by so few, arises truly from there being so few who have any such disposition to gratify, or who aim at any such character.

*Wednesday*, *July* 22. This morning, after having been mulcted as usual, we dispatched a servant with proper acknowledgments of the lady's goodness; but confined our wants entirely to the productions of her garden. He soon returned, in company with the gardener, both richly laden with almost every particular which a garden at this most fruitful season of the year produces.

While we were regaling ourselves with these, towards the close of our dinner, we received orders from our

commander, who had dined that day with some inferior officers on board a man of war, to return instantly to the ship; for that the wind was become favourable, and he should weigh that evening. These orders were soon followed by the captain himself, who was still in the utmost hurry, though the occasion of it had long since ceased; for the wind had, indeed, a little shifted that afternoon, but was before this very quietly set down in its old quarters.

This last was a lucky hit for me; for, as the captain, to whose orders we resolved to pay no obedience, unless delivered by himself, did not return till past six; so much time seemed requisite to put up the furniture of our bed-chamber, or dining-room, for almost every article, even to some of the chairs, were either our own or the captain's property; so much more in conveying it as well as myself, as dead a luggage as any, to the shore, and thence to the ship, that the night threatened first to overtake us. A terrible circumstance to me, in my decayed condition; especially as very heavy showers of rain, attended with a high wind, continued to fall incessantly; the being carried through which two miles in the dark, in a wet and open boat, seemed little less than certain death.

However, as my commander was absolute, his orders peremptory, and my obedience necessary, I resolved to avail myself of a philosophy which hath been of notable use to me in the latter part of my life, and which is contained in this hemistich of Virgil,

—— *Superanda omnis fortuna ferendo est.*

The meaning of which, if Virgil had any, I think I rightly understood, and rightly applied.

As I was therefore to be entirely passive in my motion, I resolved to abandon myself to the conduct of those

who were to carry me into a cart when it returned from unloading the goods.

But before this, the captain perceiving what had happened in the clouds, and that the wind remained as much his enemy as ever, came up stairs to me, with a reprieve till the morning. This was, I own, very agreeable news, and I little regretted the trouble of refurnishing my apartment, by sending back for the goods.

Mrs. Francis was not well-pleased with this. As she understood the reprieve to be only till the morning, she saw nothing but lodging to be possibly added, out of which she was to deduct fire and candle, and the remainder, she thought, would scarce pay her for her trouble. She exerted therefore all the ill-humour of which she was mistress, and did all she could to thwart and perplex every thing during the whole evening.

*Thursday*, *July* 23. Early in the morning the captain, who had remained on shore all night, came to visit us, and to press us to make haste on board. 'I am resolved,' says he, 'not to lose a moment, now the wind 'is coming about fair; for my own part, I never was 'surer of a wind in all my life.' I use his very words; nor will I presume to interpret or comment upon them farther than by observing that they were spoke in the utmost hurry.

We promised to be ready as soon as breakfast was over; but this was not so soon as was expected; for in removing our goods, the evening before, the tea-chest was unhappily lost.

Every place was immediately searched, and many where it was impossible for it to be; for this was a loss of much greater consequence than it may at first seem to many of my readers. Ladies and valetudinarians do not easily dispense with the use of this sovereign cordial, in a single instance; but to undertake a long

voyage without any probability of being supplied with it the whole way, was above the reach of patience. And yet, dreadful as this calamity was, it seemed unavoidable. The whole town of Ryde could not supply a single leaf; for as to what Mrs. Francis and the shop called by that name, it was not of Chinese growth. It did not indeed in the least resemble tea, either in smell or taste, or in any particular, unless in being a leaf; for it was in truth no other than a tobacco of the mundungus species. And as for the hopes of relief in any other port, they were not to be depended upon; for the captain had positively declared he was sure of a wind, and would let go his anchor no more till he arrived in the Tajo.

When a good deal of time had been spent, most of it indeed wasted on this occasion, a thought occurred, which every one wondered at its not having presented itself the first moment. This was to apply to the good lady, who could not fail of pitying and relieving such distress. A messenger was immediately dispatched, with an account of our misfortune, till whose return we employed ourselves in preparatives for our departure, that we might have nothing to do but to swallow our breakfast when it arrived. The tea-chest, though of no less consequence to us than the military-chest to a general, was given up as lost, or rather as stolen; for though I would not, for the world, mention any particular name, it is certain we had suspicions, and all, I am afraid, fell on the same person.

The man returned from the worthy lady with much expedition, and brought with him a canister of tea, dispatched with so true a generosity, as well as politeness, that if our voyage had been as long again we should have incurred no danger of being brought to a short allowance in this most important article. At the very

same instant likewise arrived William the footman, with our own tea-chest. It had been, indeed, left in the hoy, when the other goods were re-landed, as William, when he first heard it was missing, had suspected; and whence, had not the owner of the hoy been unluckily out of the way, he had retrieved it soon enough to have prevented our giving the lady an opportunity of displaying some part of her goodness.

To search the hoy was, indeed, too natural a suggestion to have escaped any one, nor did it escape being mentioned by many of us; but we were dissuaded from it by my wife's maid, who perfectly well remembered she had left the chest in the bed-chamber; for that she had never given it out of her hand in her way to or from the hoy; but William perhaps knew the maid better, and best understood how far she was to be believed; for otherwise he would hardly of his own accord, after hearing her declaration, have hunted out the hoy-man, with much pains and difficulty.

Thus ended this scene, which begun with such appearance of distress, and ended with becoming the subject of mirth and laughter.

Nothing now remained but to pay our taxes, which were indeed laid with inconceivable severity. Lodging was raised six-pence, fire in the same proportion, and even candles, which had hitherto escaped, were charged with a wantonness of imposition, from the beginning, and placed under the style of oversight. We were raised a whole pound, whereas we had only burnt ten, in five nights, and the pound consisted of twenty-four.

Lastly, an attempt was made which almost as far exceeds human credulity to believe as it did human patience to submit to. This was to make us pay as much for existing an hour or two as for existing a whole day; and dressing dinner was introduced as an

article, though we left the house before either pot or spit had approached the fire. Here I own my patience failed me, and I became an example of the truth of the observation, 'That all tyranny and oppression may be 'carried too far, and that a yoke may be made too 'intolerable for the neck of the tamest slave.' When I remonstrated, with some warmth, against this grievance, Mrs. Francis gave me a look, and left the room without making any answer. She returned in a minute, running to me with pen, ink, and paper, in her hand, and desired me to make my own bill; 'for she hoped,' she said, 'I 'did not expect that her house was to be dirtied, and 'her goods spoiled and consumed, for nothing. The 'whole is but thirteen shillings. Can gentlefolks lie a 'whole night at a public-house for less? If they can, 'I am sure it is time to give off being a landlady; but 'pay me what you please; I would have people know 'that I value money as little as other folks. But I was 'always a fool, as I says to my husband, and never 'knows which side my bread is buttered of. And yet 'to be sure your honour shall be my warning not to be 'bit so again. Some folks knows better than other some 'how to make their bills. Candles! why, yes, to be 'sure; why should not travellers pay for candles? I 'am sure I pays for my candles, and the chandler pays 'the king's majesty for them; and if he did not I must, 'so as it comes to the same thing in the end. To be sure 'I am out of sixteens at present, but these burn as white 'and as clear, though not quite so large. I expects my 'chandler here soon, or I would send to Portsmouth, if 'your honour was to stay any time longer. But when 'folks stays only for a wind, you knows there can be 'no dependence on such!' Here she put on a little slyness of aspect, and seemed willing to submit to interruption. I interrupted her, accordingly, by throwing

down half a guinea, and declared I had no more English money, which was indeed true, and as she could not immediately change the thirty-six shilling pieces, it put a final end to the dispute. Mrs. Francis soon left the room, and we soon after left the house; nor would this good woman see us, or wish us a good voyage.

I must not, however, quit this place, where we had been so ill-treated, without doing it impartial justice, and recording what may, with the strictest truth, be said in its favour.

First, then, as to its situation, it is, I think, most delightful, and in the most pleasant spot in the whole island. It is true it wants the advantage of that beautiful river which leads from Newport to Cowes; but the prospect here extending to the sea, and taking in Portsmouth, Spithead, and St. Helen's, would be more than a recompence for the loss of the Thames itself, even in the most delightful part of Berkshire or Buckinghamshire, though another Denham, or another Pope, should unite in celebrating it. For my own part, I confess myself so entirely fond of a sea prospect that I think nothing on the land can equal it; and if it be set off with shipping, I desire to borrow no ornament from the *terra firma*. A fleet of ships is, in my opinion, the noblest object which the art of man hath ever produced; and far beyond the power of those architects who deal in brick, in stone, or in marble.

When the late Sir Robert Walpole, one of the best of men and of ministers, used to equip us a yearly fleet at Spithead, his enemies of taste must have allowed that he, at least, treated the nation with a fine sight for their money. A much finer, indeed, than the same expense in an encampment could have produced. For what, indeed, is the best idea which the prospect of a number of hats can furnish to the mind, but of men forming them-

selves into a society before the art of building more substantial houses was known? This, perhaps, would be agreeable enough; but in truth, there is a much worse idea ready to step in before it, and that is of a body of cut-throats, the supports of tyranny, the invaders of the just liberties and properties of mankind, the plunderers of the industrious, the ravishers of the chaste, the murderers of the innocent, and, in a word, the destroyers of the plenty, the peace, and the safety, of their fellow-creatures.

And what, it may be said, are these men of war, which seem so delightful an object to our eyes? Are they not alike the support of tyranny, and oppression of innocence, carrying with them desolation and ruin wherever their masters please to send them? This is indeed too true, and however the ship of war may, in its bulk and equipment, exceed the honest merchantman, I heartily wish there was no necessity for it; for though I must own the superior object on one side, I am more pleased with the superior excellence of the idea which I can raise in my mind on the other; while I reflect on the art and industry of mankind, engaged in the daily improvements of commerce, to the mutual benefit of all countries, and to the establishment and happiness of social life.

This pleasant village is situated on a gentle ascent from the water, whence it affords that charming prospect I have above described. Its soil is a gravel, which, assisted with its declivity, preserves it always so dry, that immediately after the most violent rain a fine lady may walk without wetting her silken shoes. The fertility of the place is apparent from its extraordinary verdure, and it is so shaded with large and flourishing elms, that its narrow lanes are a natural grove or walk, which, in the regularity of its plantation, vies with the power of art, and in its wanton exuberancy greatly exceeds it.

In a field in the ascent of this hill, about a quarter

of a mile from the sea, stands a neat little chapel. It is very small, but adequate to the number of inhabitants; for the parish doth not seem to contain above thirty houses.

At about two miles distant from this parish lives that polite and good lady to whose kindness we were so much obliged. It is placed on a hill, whose bottom is washed by the sea, and which, from its eminence at top, commands a view of great part of the island, as well as it does that of the opposite shore. This house was formerly built by one Boyce, who, from a blacksmith at Gosport, became possessed, by great success in smuggling, of forty thousand pounds. With part of this he purchased an estate here, and, by chance probably, fixed on this spot for building a large house. Perhaps the convenience of carrying on his business, to which it is so well adapted, might dictate the situation to him. We can hardly, at least, attribute it to the same taste with which he furnished his house, or at least his library, by sending an order to a bookseller in London to pack him up five hundred pounds worth of his handsomest books. They tell here several almost incredible stories of the ignorance, the folly, and the pride, which this poor man and his wife discovered during the short continuance of his prosperity; for he did not long escape the sharp eyes of the revenue solicitors, and was by extents from the Court of Exchequer soon reduced below his original state to that of confinement in the Fleet. All his effects were sold, and among the rest, his books by an auction at Portsmouth, for a very small price; for the bookseller was now discovered to have been perfectly a master of his trade, and, relying on Mr. Boyce's finding little time to read, had sent him not only the most lasting wares of his shop, but duplicates of the same, under different titles.

His estate and house were purchased by a gentleman of these parts, whose widow now enjoys them, and who hath improved them, particularly her gardens, with so elegant a taste, that the painter who would assist his imagination in the composition of a most exquisite landscape, or the poet who would describe an earthly paradise, could no where furnish themselves with a richer pattern.

We left this place about eleven in the morning, and were again conveyed, with more sunshine than wind, aboard our ship.

Whence our captain had acquired his power of prophecy, when he promised us and himself a prosperous wind, I will not determine; it is sufficient to observe that he was a false prophet, and that the weathercocks continued to point as before.

He would not, however, so easily give up his skill in prediction. He persevered in asserting that the wind was changed, and, having weighed his anchor, fell down that afternoon to St. Helen's, which was at about the distance of five miles; and whither his friend the tide, in defiance of the wind, which was most manifestly against him, softly wafted him in as many hours.

Here, about seven in the evening, before which time we could not procure it, we sat down to regale ourselves with some roasted venison, which was much better dressed than we imagined it would be, and an excellent cold pasty which my wife had made at Ryde, and which we had reserved uncut to eat on board our ship, whither we all cheerfully exulted in being returned from the presence of Mrs. Francis, who, by the exact resemblance she bore to a fury, seemed to have been with no great propriety settled in Paradise.

*Friday, July* 24. As we passed by Spithead on the preceding evening we saw the two regiments of soldiers

who were just returned from Gibraltar and Minorca; and this day a lieutenant belonging to one of them, who was the captain's nephew, came to pay a visit to his uncle. He was what is called by some a very pretty fellow; indeed, much too pretty a fellow at his years; for he was turned of thirty-four, though his address and conversation would have become him more before he had reached twenty. In his conversation, it is true, there was something military enough, as it consisted chiefly of oaths, and of the great actions and wise sayings of Jack, and Will, and Tom of our regiment, a phrase eternally in his mouth; and he seemed to conclude that it conveyed to all the officers such a degree of public notoriety and importance that it entitled him, like the head of a profession, or a first minister, to be the subject of conversation among those who had not the least personal acquaintance with him. This did not much surprise me, as I have seen several examples of the same; but the defects of his address, especially to the women, were so great, that they seemed absolutely inconsistent with the behaviour of a pretty fellow, much less of one in a red coat; and yet, besides having been eleven years in the army, he had had, as his uncle informed me, an education in France. This, I own, would have appeared to have been absolutely thrown away, had not his animal spirits, which were likewise thrown away upon him in great abundance, borne the visible stamp of the growth of that country. The character to which he had an indisputable title was that of a merry fellow; so very merry was he that he laughed at every thing he said, and always before he spoke. Possibly, indeed, he often laughed at what he did not utter, for every speech begun with a laugh, though it did not always end with a jest. There was no great analogy between the characters of the uncle and the nephew, and yet they seemed entirely to agree in enjoying

the honour which the red coat did to his family. This the uncle expressed with great pleasure in his countenance, and seemed desirous of shewing all present the honour which he had for his nephew, who, on his side, was at some pains to convince us of his concurring in this opinion, and, at the same time, of displaying the contempt he had for the parts, as well as the occupation, of his uncle, which he seemed to think reflected some disgrace on himself, who was a member of that profession which makes every man a gentleman. Not that I would be understood to insinuate, that the nephew endeavoured to shake off or disown his uncle, or indeed, to keep him at any distance. On the contrary, he treated him with the utmost familiarity, often calling him Dick, and dear Dick, and old Dick, and frequently beginning an oration with d—n me, Dick.

All this condescension on the part of the young man was received with suitable marks of complaisance and obligation by the old one; especially, when it was attended with evidences of the same familiarity with general officers, and other persons of rank; one of whom, in particular, I know to have the pride and insolence of the Devil himself, and who, without some strong bias of interest, is no more liable to converse familiarly with a lieutenant, than of being mistaken in his judgment of a fool; which was not, perhaps, so certainly the case of the worthy lieutenant, who, in declaring to us the qualifications which recommended men to his countenance and conversation, as well as what effectually set a bar to all hopes of that honour, exclaimed, 'No, Sir, by the D—, I hate all fools— 'No, d—n me, excuse me for that. That's a little too 'much, old Dick. There are two or three officers of 'our regiment, whom I know to be fools; but d—n 'me, if I am ever seen in their company. If a man

'hath a fool of a relation, Dick, you know he can't 'help that, old boy.'

Such jokes as these the old man not only took in good part, but glibly gulped down the whole narrative of his nephew; nor did he, I am convinced, in the least doubt of our as readily swallowing the same. This made him so charmed with the lieutenant, that it is probable we should have been pestered with him the whole evening, had not the north wind, dearer to our sea-captain even than this glory of his family, sprung suddenly up, and called aloud to him to weigh his anchor.

While this ceremony was performing, the sea-captain ordered out his boat to row the land captain to shore; not indeed on an uninhabited island, but one which, in this part, looked but little better, not presenting us the view of a single house. Indeed, our old friend, when his boat returned on shore, perhaps being no longer able to stifle his envy of the superiority of his nephew, told us, with a smile, that the young man had a good five mile to walk, before he could be accommodated with a passage to Portsmouth.

It appeared now, that the captain had been only mistaken in the date of his prediction, by placing the event a day earlier than it happened; for the wind which now arose, was not only favourable, but brisk, and was no sooner in reach of our sails than it swept us away by the back of the Isle of Wight, and having in the night carried us by Christ-church and Peveral-point, brought us the next noon, *Saturday*, *July* 29, off the island of Portland, so famous for the smallness and sweetness of its mutton, of which a leg seldom weighs four pounds. We would have bought a sheep, but our captain would not permit it; though he needed not have been in such a hurry, for presently the wind,

I will not positively assert in resentment of his surliness, shewed him a dog's trick, and slily slipped back again to his summer-house in the south-west.

The captain now grew outrageous, and declaring open war with the wind, took a resolution, rather more bold than wise, of sailing in defiance of it, and in its teeth. He swore he would let go his anchor no more, but would beat the sea while he had either yard or sail left. He accordingly stood from the shore, and made so large a tack, that before night, though he seemed to advance but little on his way, he was got out of sight of land.

Towards the evening, the wind began, in the captain's own language, and, indeed, it freshened so much, that before ten it blew a perfect hurricane.

The captain having got, as he supposed, to a safe distance, tacked again towards the English shore; and now the wind veered a point only in his favour, and continued to blow with such violence, that the ship ran above eight knots or miles an hour, during this whole day and tempestuous night, till bed-time. I was obliged to betake myself once more to my solitude; for my women were again all down in their sea-sickness, and the captain was busy on deck; for he began to grow uneasy, chiefly, I believe, because he did not well know where he was, and would, I am convinced, have been very glad to have been in Portland-road, eating some sheep's-head broth.

Having contracted no great degree of good humour by living a whole day alone, without a single soul to converse with, I took but ill physic to purge it off by a bed conversation with the captain; who, amongst many bitter lamentations of his fate, and protesting he had more patience than a Job, frequently intermixed summons to the commanding officer on the deck, who now happened to be one Morrison, a carpenter, the only

fellow that had either common sense or common civility in the ship. Of Morrison he inquired every quarter of an hour concerning the state of affairs; the wind, the care of the ship, and other matters of navigation. The frequency of these summons, as well as the solicitude with which they were made, sufficiently testified the state of the captain's mind; he endeavoured to conceal it, and would have given no small alarm to a man, who had either not learned what it is to die, or known what it is to be miserable. And my dear wife and child must pardon me, if what I did not conceive to be any great evil to myself, I was not much terrified with the thoughts of happening to them; in truth, I have often thought they are both too good, and too gentle, to be trusted to the power of any man I know, to whom they could possibly be so trusted.

Can I say then I had no fear? indeed, I cannot, reader, I was afraid for thee, lest thou shouldst have been deprived of that pleasure thou art now enjoying; and that I should not live to draw out on paper that military character which thou didst peruse in the journal of yesterday.

From all these fears we were relieved, at six in the morning, by the arrival of Mr. Morrison, who acquainted us that he was sure he beheld land very near; for he could not see half a mile, by reason of the haziness of the weather. This land, he said, was, he believed, the Berry-head, which forms one side of Torbay; the captain declared that it was impossible, and swore, on condition he was right, he would give him his mother for a maid. A forfeit which became afterwards strictly due, and payable; for the captain whipping on his night-gown, ran up without his breeches, and within half an hour returning into the cabin, wished me joy of our lying safe at anchor in the bay.

*Sunday, July* 26. Things now began to put on an aspect very different from what they had lately worn; the news that the ship had almost lost its mizen, and that we had procured very fine clouted cream and fresh bread and butter from the shore, restored health and spirits to our women, and we all sat down to a very cheerful breakfast.

But however pleasant our stay promised to be here, we were all desirous it should be short: I resolved immediately to dispatch my man into the country, to purchase a present of cyder for my friends of that which is called Southam, as well as to take with me a hogshead of it to Lisbon; for it is, in my opinion, much more delicious than that which is the growth of Herefordshire. I purchased three hogsheads for five pounds ten shillings, all which I should have scarce thought worth mentioning, had I not believed it might be of equal service to the honest farmer who sold it me, and who is by the neighbouring gentlemen reputed to deal in the very best; and to the reader, who from ignorance of the means of providing better for himself, swallows at a dearer rate the juice of Middlesex turnip, instead of that Vinum Pomonæ, which Mr. Giles Leverance of Cheeshurst, near Dartmouth in Devon, will, at the price of forty shillings per hogshead, send in double casks to any part of the world. Had the wind been very sudden in shifting, I had lost my cyder, by an attempt of a boatman to exact, according to custom. He required five shillings for conveying my man a mile and a half to the shore, and four more if he staid to bring him back again. This I thought to be such insufferable impudence, that I ordered him to be immediately chased from the ship, without any answer. Indeed, there are few inconveniences that I would not rather encounter than encourage the insolent demands of these wretches, at the expence of my own indignation, of which I own

they are not the only objects, but rather those who purchase a paltry convenience by encouraging them. But of this I have already spoken very largely. I shall conclude, therefore, with the leave which this fellow took of our ship; saying, he should know it again, and would not put off from the shore to relieve it in any distress whatever.

It will, doubtless, surprise many of my readers to hear, that when we lay at anchor within a mile or two of a town, several days together, and even in the most temperate weather, we should frequently want fresh provisions and herbage, and other emoluments of the shore, as much as if we had been a hundred leagues from land. And this too, while numbers of boats were in our sight, whose owners get their livelihood by rowing people up and down, and could be at any time summoned by a signal to our assistance, and while the captain had a little boat of his own, with men always ready to row it at his command.

This, however, hath been partly accounted for already, by the imposing disposition of the people; who asked so much more than the proper price of their labour. And as to the usefulness of the captain's boat, it requires to be a little expatiated upon, as it will tend to lay open some of the grievances which demand the utmost regard of our legislature, as they affect the most valuable part of the king's subjects, those by whom the commerce of the nation is carried into execution.

Our captain then, who was a very good and experienced seaman, having been above thirty years the master of a vessel, part of which he had served, so he phrased it, as commander of a privateer; and had discharged himself with great courage and conduct, and with as great success, discovered the utmost aversion to the sending his boat ashore, whenever we lay wind-

bound in any of our harbours. This aversion did not arise from any fear of wearing out his boat by using it, but was, in truth, the result of experience, that it was easier to send his men on shore than to recal them. They acknowledged him to be their master while they remained on ship-board, but did not allow his power to extend to the shores, where they had no sooner set their foot, than every man became *sui juris*, and thought himself at full liberty to return when he pleased. Now it is not any delight that these fellows have in the fresh air, or verdant fields on the land. Every one of them would prefer his ship and his hammock to all the sweets of Arabia the Happy; but unluckily for them, there are in every sea-port in England certain houses, whose chief livelihood depends on providing entertainment for the gentlemen of the jacket. For this purpose, they are always well furnished with those cordial liquors, which do immediately inspire the heart with gladness, banishing all careful thoughts, and, indeed, all others from the mind, and opening the mouth with songs of cheerfulness and thanksgiving, for the many wonderful blessings with which a sea-faring life overflows.

For my own part, however whimsical it may appear, I confess I have thought the strange story of Circe in the Odyssey, no other than an ingenious allegory; in which Homer intended to convey to his countrymen the same kind of instruction which we intend to communicate to our own in this digression. As teaching the art of war to the Greeks was the plain design of the Iliad; so was teaching them the art of navigation the no less manifest intention of the Odyssey. For the improvement of this, their situation was most excellently adapted; and accordingly we find Thucydides, in the beginning of his history, considers the Greeks as a set of pirates or privateers, plundering each other by sea. This being probably the

first institution of commerce before the Ars Cauponaria was invented, and merchants, instead of robbing, began to cheat and outwit each other, and by degrees changed the Metaleptic, the only kind of traffic allowed by Aristotle in his Politics, into the Chrematistic.

By this allegory then I suppose Ulysses to have been the captain of a merchant ship, and Circe some good ale-wife, who made his crew drunk with the spirituous liquors of those days. With this the transformation into swine, as well as all other incidents of the fable, will notably agree; and thus a key will be found out for unlocking the whole mystery, and forging, at least, some meaning to a story, which, at present, appears very strange and absurd.

Hence, moreover, will appear the very near resemblance between the sea-faring men of all ages and nations; and here perhaps may be established the truth and justice of that observation, which will occur oftener than once in this voyage, that all human flesh is not the same flesh, but that there is one kind of flesh of landmen, and another of seamen.

Philosophers, divines, and others, who have treated the gratification of human appetites with contempt, have, among other instances, insisted very strongly on that satiety which is so apt to overtake them, even in the very act of enjoyment. And here they more particularly deserve our attention, as most of them may be supposed to speak from their own experience; and very probably gave us their lessons with a full stomach. Thus hunger and thirst, whatever delight they may afford while we are eating and drinking, pass both away from us with the plate and the cup; and though we should imitate the Roman, if, indeed, they were such dull beasts, which I can scarce believe, to unload the belly like a dung-pot, in order to fill it again with another load, yet would the

pleasure be so considerably lessened, that it would scarce repay us the trouble of purchasing it with swallowing a basin of camomile tea. A second haunch of venison, or a second dose of turtle, would hardly allure a city glutton with its smell. Even the celebrated Jew himself, when well filled with calipash and calipee, goes contentedly home to tell his money, and expects no more pleasure from his throat during the next twenty-four hours. Hence I suppose Dr. South took that excellent comparison of the joys of a speculative man to the solemn silence of an Archimedes over a problem, and those of a glutton to the stillness of a sow at her wash. A simile, which, if it became the pulpit at all, could only become it in the afternoon.

Whereas, in those potations which the mind seems to enjoy, rather than the bodily appetite, there is happily no such satiety; but the more a man drinks, the more he desires; as if, like Mark Anthony in Dryden, his appetite increased with feeding, and this to such an immoderate degree, *ut nullus sit desiderio aut pudor aut modus.* Hence, as with the gang of Captain Ulysses, ensues so total a transformation, that the man no more continues what he was. Perhaps, he ceases for a time to be at all; or, though he may retain the same outward form and figure he had before, yet is his nobler part, as we are taught to call it, so changed, that, instead of being the same man, he scarce remembers what he was a few hours before. And this transformation, being once obtained, is so easily preserved by the same potations, which induced no satiety, that the captain in vain sends or goes in quest of his crew. They know him no longer; or, if they do, they acknowledge not his power, having indeed as entirely forgotten themselves as if they had taken a large draught of the river of Lethe.

Nor is the captain always sure of even finding out

the place to which Circe hath conveyed them. There are many of those houses in every port-town. Nay, there are some where the sorceress doth not trust only to her drugs; but hath instruments of a different kind to execute her purposes, by whose means the tar is effectually secreted from the knowledge and pursuit of his captain. This would, indeed, be very fatal, was it not for one circumstance; that the sailor is seldom provided with the proper bait for these harpies. However, the contrary sometimes happens, as these harpies will bite at almost any thing, and will snap at a pair of silver buttons, or buckles, as surely as at the specie itself. Nay, sometimes they are so voracious, that the very naked hook will go down, and the jolly young sailor is sacrificed for his own sake.

In vain, at such a season as this, would the vows of a pious heathen have prevailed over Neptune, Æolus, or any other marine deity. In vain would the prayers of a Christian captain be attended with the like success. The wind may change how it pleases, while all hands are on shore; the anchor would remain firm in the ground, and the ship would continue in durance, unless, like other forcible prison-breakers, it forcibly got loose for no good purpose.

Now, as the favour of winds and courts, and such like, is always to be laid hold on at the very first motion, for within twenty-four hours all may be changed again; so, in the former case, the loss of a day may be the loss of a voyage: for, though it may appear to persons not well skilled in navigation, who see ships meet and sail by each other, that the wind blows sometimes east and west, north and south, backwards and forwards, at the same instant; yet, certain it is, that the land is so contrived, that even the same wind will not, like the same horse, always bring a man to the end of

his journey; but, that the gale which the mariner prayed heartily for yesterday, he may as heartily deprecate to-morrow; while all use and benefit, which would have arisen to him from the westerly wind of to-morrow, may be totally lost and thrown away, by neglecting the offer of the easterly blast which blows to-day.

Hence ensues grief and disreputation to the innocent captain, loss and disappointment to the worthy merchant, and not seldom great prejudice to the trade of a nation, whose manufactures are thus liable to lie unsold in a foreign warehouse, the market being forestalled by some rival whose sailors are under a better discipline. To guard against these inconveniences the prudent captain takes every precaution in his power; he makes the strongest contracts with his crew, and thereby binds them so firmly, that none but the greatest or least of men can break through them with impunity; but for one of these two reasons, which I will not determine, the sailor, like his brother fish the eel, is too slippery to be held, and plunges into his element with perfect impunity.

To speak a plain truth, there is no trusting to any contract with one whom the wise citizens of London call a bad man; for, with such a one, though your bond be ever so strong, it will prove in the end good for nothing.

What then is to be done in this case? What, indeed! but to call in the assistance of that tremendous magistrate, the justice of peace, who can, and often doth, lay good and bad men in equal durance; and though he seldom cares to stretch his bonds to what is great, never finds any thing too minute for their detention, but will hold the smallest reptile alive so fast in his noose, that he can never get out till he is let drop through it.

Why, therefore, upon the breach of those contracts, should not an immediate application be made to the nearest magistrate of this order, who should be empowered to convey the delinquent either to ship or to prison, at the election of the captain, to be fettered by the leg in either place?

But, as the case now stands, the condition of this poor captain, without any commission, and of this absolute commander without any power, is much worse than we have hitherto shewn it to be; for, notwithstanding all the aforesaid contracts to sail in the good ship the Elizabeth, if the sailor should, for better wages, find it more his interest to go on board the better ship the Mary, either before their setting out, or on their speedy meeting in some port, he may prefer the latter without any other danger than that of 'doing what he ought not to have 'done,' contrary to a rule which he is seldom Christian enough to have much at heart, while the captain is generally too good a Christian to punish a man out of revenge only, when he is to be at a considerable expence for so doing. There are many other deficiencies in our laws relating to maritime affairs, and which would probably have been long since corrected, had we any seamen in the House of Commons. Not that I would insinuate that the legislature wants a supply of many gentlemen in the sea-service; but, as these gentlemen are, by their attendance in the House, unfortunately prevented from ever going to sea, and there learning what they might communicate to their landed brethren, these latter remain as ignorant in that branch of knowledge as they would be if none but courtiers and fox-hunters had been elected into parliament, without a single fish among them. The following seems to me to be an effect of this kind, and it strikes me the stronger as I remember the case to have happened, and remember

it to have been dispunishable. A captain of a trading vessel, of which he was part owner, took in a large freight of oats at Liverpool, consigned to the market at Bear-key; this he carried to a port in Hampshire, and there sold it as his own, and, freighting his vessel with wheat for the port of Cadiz, in Spain, dropped it at Oporto in his way; and there, selling it for his own use, took in a lading of wine, with which he sailed again, and, having converted it in the same manner, together with a large sum of money with which he was intrusted, for the benefit of certain merchants, sold the ship and cargo in another port, and then wisely sat down contented with the fortune he had made, and returned to London to enjoy the remainder of his days, with the fruits of his former labours, and a good conscience.

The sum he brought home with him consisted of near six thousand pounds, all in specie, and most of it in that coin which Portugal distributes so liberally over Europe.

He was not yet old enough to be past all sense of pleasure, nor so puffed up with the pride of his good fortune as to overlook his old acquaintances the journeymen tailors, from among whom he had been formerly pressed into the sea-service, and having there laid the foundation of his future success, by his shares in prizes, had afterwards become captain of a trading vessel, in which he purchased an interest, and had soon begun to trade in the honourable manner above mentioned.

The captain now took up his residence at an ale-house in Drury-lane, where, having all his money by him in a trunk, he spent about five pounds a day among his old friends the gentlemen and ladies of those parts.

The merchant of Liverpool having luckily had notice from a friend, during the blaze of his fortune, did, by the assistance of a justice of the peace, without the assistance of the law, recover his whole loss. The

captain, however, wisely chose to refund no more; but, perceiving with what hasty strides Envy was pursuing his fortune, he took speedy means to retire out of her reach, and to enjoy the rest of his wealth in an inglorious obscurity; nor could the same justice overtake him time enough to assist a second merchant, as he had done the first.

This was a very extraordinary case, and the more so as the ingenious gentleman had steered entirely clear of all crimes in our law.

Now, how it comes about that a robbery, so very easy to be committed, and to which there is such immediate temptation always before the eyes of these fellows, should receive the encouragement of impunity, is to be accounted for only from the oversight of the legislature, as that oversight can only be, I think, derived from the reasons I have assigned for it.

But I will dwell no longer on this subject. If what I have here said should seem of sufficient consequence to engage the attention of any man in power, and should thus be the means of applying any remedy to the most inveterate evils; at least, I have obtained my whole desire, and shall have lain so long wind-bound in the ports of this kingdom to some purpose. I would indeed have this work, which, if I should live to finish it, a matter of no great certainty, if indeed of any great hope to me, will be probably the last I shall ever undertake, to produce some better end than the mere diversion of the reader.

*Monday.* This day our captain went ashore, to dine with a gentleman who lives in these parts, and who so exactly resembles the character given by Homer of Axylus, that the only difference I can trace between them is, the one living by the highway, erected his hospitality chiefly in favour of land travellers; and the other, living

by the water-side, gratified his humanity by accommodating the wants of the mariner.

In the evening our commander received a visit from a brother bashaw, who lay wind-bound in the same harbour. This latter captain was a Swiss. He was then master of a vessel bound to Guinea, and had formerly been a privateering, when our own hero was employed in the same laudable service. The honesty and freedom of the Switzer, his vivacity, in which he was in no respect inferior to his near neighbours the French, the awkward and affected politeness, which was likewise of French extraction, mixed with the brutal roughness of the English tar (for he had served under the colours of this nation, and his crew had been of the same) made such an odd variety, such a hotch potch of character, that I should have been much diverted with him, had not his voice, which was as loud as a speaking trumpet, unfortunately made my head ache. The noise which he conveyed into the deaf ears of his brother captain, who sat on one side of him, the soft addresses with which, mixed with awkward bows, he saluted the ladies on the other, were so agreeably contrasted, that a man must not only have been void of all taste of humour, and insensible of mirth, but duller than Cibber is represented in the Dunciad, who could be unentertained with him a little while; for, I confess, such entertainments should always be very short, as they are very liable to pall. But he suffered not this to happen at present; for, having given us his company a quarter of an hour only, he retired, after many apologies for the shortness of his visit.

*Tuesday.* The wind being less boisterous than it had hitherto been since our arrival here, several fishing-boats, which the tempestuous weather yesterday had prevented from working, came on board us with fish. This was so

fresh, so good in kind, and so very cheap, that we supplied ourselves in great numbers, among which were very large soals at four-pence a pair, and whitings, of almost a preposterous size, at nine-pence a score.

The only fish which bore any price was a John Dorée; as it is called. I bought one of at least four pounds weight for as many shillings. It resembles a turbot in shape, but exceeds it in firmness and flavour. The price had the appearance of being considerable, when opposed to the extraordinary cheapness of others of value; but was, in truth, so very reasonable, when estimated by its goodness, that it left me under no other surprise than how the gentlemen of this country, not greatly eminent for the delicacy of their taste, had discovered the preference of the dorée to all other fish: but I was informed that Mr. Quin, whose distinguishing tooth hath been so justly celebrated, had lately visited Plymouth, and had done those honours to the dorée which are so justly due to it from that sect of modern philosophers who, with Sir Epicure Mammon, or Sir Epicure Quin, their head, seem more to delight in a fish-pond than in a garden, as the old Epicureans are said to have done.

Unfortunately for the fishmongers of London the dorée resides only in those seas; for could any of this company but convey one to the temple of luxury under the Piazza, where Macklin the high-priest daily serves up his rich offerings to that goddess, great would be the reward of that fishmonger, in blessings poured down upon him from the goddess, as great would his merit be towards the high-priest, who could never be thought to over-rate such valuable incense.

And here, having mentioned the extreme cheapness of fish in the Devonshire seas, and given some little hint of the extreme dearness with which this commodity is dispensed by those who deal in it in London, I cannot pass

on without throwing forth an observation or two, with the same view with which I have scattered my several remarks through this voyage, sufficiently satisfied in having finished my life, as I have, probably, lost it, in the service of my country, from the best of motives, though it should be attended with the worst of success. Means are always in our power; ends are very seldom so.

Of all the animal foods with which man is furnished, there are none so plenty as fish. A little rivulet, that glides almost unperceived through a vast tract of rich land, will support more hundreds with the flesh of its inhabitants than the meadow will nourish individuals. But if this be true of rivers, it is much truer of the sea-shores, which abound with such immense variety of fish that the curious fisherman, after he hath made his draught, often culls only the daintiest part, and leaves the rest of his prey to perish on the shore.

If this be true it would appear, I think, that there is nothing which might be had in such abundance, and consequently so cheap, as fish, of which Nature seems to have provided such inexhaustible stores with some peculiar design. In the production of terrestrial animals she proceeds with such slowness, that in the larger kind a single female seldom produces more than one a year, and this again requires three, four, or five years more to bring it to perfection. And though the lesser quadrupeds, those of the wild kind particularly, with the birds, do multiply much faster, yet can none of these bear any proportion with the aquatic animals, of whom every female matrix is furnished with an annual offspring almost exceeding the power of numbers, and which, in many instances at least, a single year is capable of bringing to some degree of maturity.

What then ought in general to be so plentiful, what so

cheap, as fish? What then so properly the food of the poor? So in many places they are, and so might they always be in great cities, which are always situated near the sea, or on the conflux of large rivers. How comes it then, to look no farther abroad for instances that in our city of London, the case is so far otherwise that, except that of sprats, there is not one poor palate in a hundred that knows the taste of fish.

It is true, indeed, that this taste is generally of such excellent flavour that it exceeds the power of French cookery to treat the palates of the rich with any thing more exquisitely delicate; so that was fish the common food of the poor it might put them too much upon an equality with their betters, in the great article of eating, in which, at present, in the opinion of some, the great difference in happiness between man and man consists. But this argument I shall treat with the utmost disdain: for if ortolans were as big as bustards, and at the same time as plenty as sparrows, I should hold it yet reasonable to indulge the poor with the dainty, and that for this cause especially, that the rich would soon find a sparrow, if as scarce as an ortolan, to be much the greater, as it would certainly be the rarer, dainty of the two.

Vanity or scarcity will be always the favourite of luxury; but honest hunger will be satisfied with plenty. Not to search deeper into the cause of the evil, I should think it abundantly sufficient to propose the remedies of it. And, first, I humbly submit the absolute necessity of, immediately hanging all the fishmongers within the bills of mortality; and however it might have been some time ago the opinion of mild and temporising men that the evil complained of might be removed by gentler methods, I suppose at this day there are none who do not see the impossibility of using such

with any effect. *Cuncta prius tentanda* might have been formerly urged with some plausibility, but *cuncta prius tentata* may now be replied: for surely, if a few monopolizing fishmongers could defeat that excellent scheme of the Westminster market, to the erecting which so many justices of peace, as well as other wise and learned men, did so vehemently apply themselves, that they might be truly said not only to have laid the whole strength of their heads, but of their shoulders too, to the business, it would be a vain endeavour for any other body of men to attempt to remove so stubborn a nuisance.

If it should be doubted whether we can bring this case within the letter of any capital law now subsisting, I am ashamed to own it cannot; for surely no crime better deserves such punishment; but the remedy may, nevertheless, be immediate, and if a law was made at the beginning of next session, to take place immediately, by which the starving thousands of poor was declared to be felony, without benefit of clergy, the fishmongers would be hanged before the end of the session.

A second method of filling the mouths of the poor, if not with loaves, at least with fishes, is to desire the magistrates to carry into execution one, at least, out of near a hundred acts of parliament, for preserving the small fry of the river of Thames, by which means as few fish would satisfy thousands as may now be devoured by a small number of individuals. But while a fisherman can break through the strongest meshes of an act of parliament, we may be assured he will learn so to contrive his own meshes, that the smallest fry will not be able to swim through them.

Other methods may, we doubt not, be suggested by those who shall attentively consider the evil here hinted at; but we have dwelt too long on it already, and shall conclude with observing, that it is difficult

to affirm, whether the atrocity of the evil itself, the facility of curing it, or the shameful neglect of the cure, be the more scandalous or more astonishing.

After having, however, gloriously regaled myself with this food, I was washing it down with some good claret, with my wife and her friend, in the cabin, when the captain's valet-de-chambre, head cook, house, and ship steward, footman in livery and out on't, secretary and fore-mast man, all burst into the cabin at once, being, indeed, all but one person, and, without saying by your leave, began to pack half a hogshead of small-beer in bottles, the necessary consequence of which must have been either a total stop to conversation, at that cheerful season when it is most agreeable, or the admitting that polyonymous officer aforesaid to the participation of it. I desired him, therefore, to delay his purpose a little longer, but he refused to grant my request; nor was he prevailed on to quit the room till he was threatened with having one bottle to pack more than his number, which then happened to stand empty within my reach.

With these menaces he retired at last, but not without muttering some menaces on his side, and which, to our great terror, he failed not to put into immediate execution.

Our captain was gone to dinner this day with his Swiss brother; and, though he was a very sober man, was a little elevated with some champaign, which, as it cost the Swiss little or nothing, he dispensed at his table more liberally than our hospitable English noblemen put about those bottles, which the ingenious Peter Taylor teaches a led captain to avoid by distinguishing by the name of that generous liquor, which all humble companions are taught to postpone to the flavour of methuen, or honest port.

While our two captains were thus regaling themselves, and celebrating their own heroic exploits with all

the inspiration which the liquor, at least, of wit could afford them, the polyonymous officer arrived, and being saluted by the name of honest Tom, was ordered to sit down and take his glass before he delivered his message; for every sailor is by turns his captain's mate over a cann, except only that captain bashaw who presides in a man-of-war, and who, upon earth, has no other mate unless it be another of the same bashaws.

Tom had no sooner swallowed his draught than he hastily began his narrative, and faithfully related what had happened on board our ship; we say faithfully, though from what happened it may be suspected that Tom chose to add, perhaps, only five or six immaterial circumstances, as is always, I believe, the case, and may possibly have been done by me in relating this very story, though it happened not many hours ago.

No sooner was the captain informed of the interruption which had been given to his officer, and, indeed, to his orders, for he thought no time so convenient as that of his absence for causing any confusion in the cabin, than he leaped with such haste from his chair that he had like to have broke his sword, with which he always begirt himself when he walked out of his ship, and sometimes when he walked about in it, at the same time grasping eagerly that other implement called a cockade, which modern soldiers wear on their helmets with the same view as the ancients did their crests, to terrify the enemy; he muttered something, but so inarticulately that the word *damn* was only intelligible; he then hastily took leave of the Swiss captain, who was too well-bred to press his stay on such an occasion, and leaped first from the ship to his boat, and then from his boat to his own ship, with as much fierceness in his looks as he had ever expressed on boarding his defenceless prey in the honourable calling of a privateer.

Having regained the middle-deck, he paused a moment while Tom and others loaded themselves with bottles, and then descending into the cabin exclaimed with a thundering voice, 'D—n me, why arn't the bottles stoed in, ac-'cording to my orders?'

I answered him very mildly, that I had prevented his man from doing it, as it was at an inconvenient time to me, and as in his absence, at least, I esteemed the cabin to be my own. 'Your cabin,' repeated he many times, 'no, d—n me! tis my cabin. Your cabin! d—me! I 'have brought my hogs to a fair market. I suppose, 'indeed, you think it your cabin, and your ship, by your 'commanding in it; but I will command in it, d—n me! 'I will shew the world I am the commander, and no 'body but I! Did you think I sold you the command of 'my ship for that pitiful thirty pounds? I wish I had not 'seen you nor your thirty pounds aboard of her.' He then repeated the words thirty pounds often, with great disdain, and with a contempt which, I own, the sum did not seem to deserve in my eye, either in itself or on the present occasion; being, indeed, paid for the freight of ——— weight of human flesh, which is above fifty *per cent.* dearer than the freight of any other luggage, whilst in reality it takes up less room, in fact, no room at all.

In truth, the sum was paid for nothing more than for a liberty to six persons (two of them servants), to stay on board a ship while she sails from one port to another, every shilling of which comes clear into the captain's pocket. Ignorant people may perhaps imagine, especially when they are told that the captain is obliged to sustain them, that their diet, at least, is worth something; which may probably be now and then so far the case as to deduct a tenth part from the neat profits on this account; but it was otherwise at present; for when I had contracted with the captain at a price which I by

no means thought moderate, I had some content in thinking I should have no more to pay for my voyage; but I was whispered that it was expected the passengers should find themselves in several things; such as tea, wine, and such like; and particularly that gentlemen should stow of the latter a much larger quantity than they could use, in order to leave the remainder as a present to the captain, at the end of the voyage; and it was expected, likewise, that gentlemen should put aboard some fresh stores, and the more of such things were put aboard, the welcomer they would be to the captain.

I was prevailed with by these hints to follow the advice proposed; and accordingly, besides tea, and a large hamper of wine, with several hams and tongues, I caused a number of live chickens and sheep to be conveyed aboard; in truth, treble the quantity of provisions which would have supported the persons I took with me, had the voyage continued three weeks, as it was supposed, with a bare possibility, it might.

Indeed, it continued much longer; but, as this was occasioned by our being wind-bound in our own ports, it was by no means of any ill consequence to the captain, as the additional stores of fish, fresh meat, butter, bread, &c. which I constantly laid in, greatly exceeded the consumption, and went some way in maintaining the ship's crew. It is true I was not obliged to do this; but it seemed to be expected; for the captain did not think himself obliged to do it; and, I can truly say, I soon ceased to expect it of him. He had, I confess, on board, a number of fowls and ducks sufficient for a West-India voyage; all of them, as he often said, 'Very fine birds, 'and of the largest breed.' This, I believe, was really the fact, and, I can add, that they were all arrived at the full perfection of their size. Nor was there, I am convinced, any want of provisions of a more substantial

kind; such as dried beef, pork, and fish; so that the captain seemed ready to perform his contract, and amply to provide for his passengers. What I did then was not from necessity, but, perhaps, from a less excusable motive, and was by no means chargeable to the account of the captain.

But let the motive have been what it would, the consequence was still the same: and this was such that I am firmly persuaded the whole pitiful thirty pounds came pure and neat into the captain's pocket, and not only so, but attended with the value of ten pounds more in sundries into the bargain. I must confess myself therefore at a loss how the epithet *pitiful* came to be annexed to the above sum; for not being a pitiful price for what it was given, I cannot conceive it to be pitiful in itself; nor do I believe it is thought by the greatest men in the kingdom; none of whom would scruple to search for it in the dirtiest kennel, where they had only a reasonable hope of success.

How, therefore, such a sum should acquire the idea of pitiful in the eyes of the master of a ship seems not easy to be accounted for; since it appears more likely to produce in him ideas of a different kind. Some men, perhaps, are no more sincere in the contempt for it which they express, than others in their contempt of money in general; and I am the rather inclined to this persuasion, as I have seldom heard of either who have refused or refunded this their despised object. Besides, it is sometimes impossible to believe these professions, as every action of the man's life is a contradiction to it. Who can believe a tradesman who says he would not tell his name for the profit he gets by the selling such a parcel of goods, when he hath told a thousand lies in order to get it?

Pitiful, indeed, is often applied to an object not abso-

lutely, but comparatively with our expectations, or with a greater object: in which sense it is not easy to set any bounds to the use of the word. Thus, a handful of halfpence daily appear pitiful to a porter, and a handful of silver to a drawer. The latter, I am convinced, at a polite tavern, will not tell his name (for he will not give you any answer) under the price of gold. And in this sense thirty pounds may be accounted pitiful by the lowest mechanic.

One difficulty only seems to occur, and that is this: how comes it that, if the profits of the meanest arts are so considerable, the professors of them are not richer than we generally see them? One answer to this shall suffice. Men do not become rich by what they get, but by what they keep. He who is worth no more than his annual wages or salary, spends the whole; he will be always a beggar, let his income be what it will; and so will be his family when he dies. This we see daily to be the case of ecclesiastics; who, during their lives, are extremely well provided for, only because they desire to maintain the honour of the cloth by living like gentlemen, which would perhaps be better maintained by living unlike them.

But, to return from so long a digression, to which the use of so improper an epithet gave occasion, and to which the novelty of the subject allured, I will make the reader amends by concisely telling him, that the captain poured forth such a torrent of abuse that I very hastily, and very foolishly, resolved to quit the ship. I gave immediate orders to summon a hoy to carry me that evening to Dartmouth, without considering any consequence. Those orders I gave in no very low voice; so that those above stairs might possibly conceive there was more than one master in the cabin. In the same tone I likewise threatened the

captain with that which, he afterwards said, he feared more than any rock or quicksand. Nor can we wonder at this when we are told he had been twice obliged to bring to and cast anchor there before, and had neither time escaped without the loss of almost his whole cargo.

The most distant sound of law thus frightened a man who had often, I am convinced, heard numbers of cannon roar round him with intrepidity. Nor did he sooner see the hoy approaching the vessel than he ran down again into the cabin, and, his rage being perfectly subsided, he tumbled on his knees, and a little too abjectly implored for mercy.

I did not suffer a brave man and an old man to remain a moment in this posture; but I immediately forgave him.

And here, that I may not be thought the sly trumpeter of my own praises, I do utterly disclaim all praise on the occasion. Neither did the greatness of my mind dictate, nor the force of my Christianity exact this forgiveness. To speak truth, I forgave him from a motive which would make men much more forgiving if they were much wiser than they are; because it was convenient for me so to do.

*Wednesday.* This morning the captain dressed himself in scarlet, in order to pay a visit to a Devonshire squire, to whom a captain of a ship is a guest of no ordinary consequence, as he is a stranger and a gentleman, who hath seen a great deal of the world in foreign parts, and knows all the news of the times.

The squire, therefore, was to send his boat for the captain; but a most unfortunate accident happened; for, as the wind was extremely rough, and against the hoy, while this was endeavouring to avail itself of great seamanship, in hawling up against the wind, a sudden

squall carried off sail and yard; or, at least, so disabled them, that they were no longer of any use, and unable to reach the ship; but the captain, from the deck, saw his hopes of venison disappointed, and was forced either to stay on board his ship, or to hoist forth his own long-boat, which he could not prevail with himself to think of, though the smell of the venison had had twenty times its attraction. He did, indeed, love his ship as his wife, and his boats as children, and never willingly trusted the latter, poor things! to the dangers of the seas.

To say truth, notwithstanding the strict rigour with which he preserved the dignity of his station, and the hasty impatience with which he resented any affront to his person or orders, disobedience to which he could in no instance brook in any person on board, he was one of the best-natured fellows alive. He acted the part of a father to his sailors; he expressed great tenderness for any of them when ill, and never suffered any the least work of superogation to go unrewarded by a glass of gin. He even extended his humanity, if I may so call it, to animals, and even his cats and kittens had large shares in his affections. An instance of which we saw this evening, when the cat, which had shewn it could not be drowned, was found suffocated under a feather-bed in the cabin. I will not endeavour to describe his lamentations with more prolixity than barely by saying, they were grievous, and seemed to have some mixture of the Irish howl in them. Nay, he carried his fondness even to inanimate objects, of which we have above set down a pregnant example in his demonstration of love and tenderness towards his boats and ship. He spoke of a ship which he had commanded formerly, and which was long since no more, which he had called the Princess of Brazil, as a widower of a deceased wife. This ship,

after having followed the honest business of carrying goods and passengers for hire many years, did at last take to evil courses and turn privateer, in which service, to use his own words, she received many dreadful wounds, which he himself had felt, as if they had been his own.

*Thursday.* As the wind did not yesterday discover any purpose of shifting, and the water in my belly grew troublesome, and rendered me short-breathed; I began a second time to have apprehensions of wanting the assistance of a trochar, when none was to be found; I therefore concluded to be tapped again, by way of precaution; and accordingly I this morning summoned on board a surgeon from a neighbouring parish, one whom the captain greatly recommended, and who did indeed perform his office with much dexterity. He was, I believe, likewise a man of great judgment and knowledge in the profession; but of this I cannot speak with perfect certainty; for when he was going to open on the dropsy at large, and on the particular degree of the distemper under which I laboured, I was obliged to stop him short, for the wind was changed, and the captain in the utmost hurry to depart; and to desire him, instead of his opinion, to assist me with his execution.

I was now once more delivered from my burthen, which was not indeed so great as I had apprehended, wanting two quarts of what was let out at the last operation.

While the surgeon was drawing away my water, the sailors were drawing up the anchor; both were finished at the same time, we unfurled our sails, and soon passed the Berry-head, which forms the mouth of the bay.

We had not however sailed far, when the wind, which had, though with a slow pace, kept us company about six miles, suddenly turned about, and offered to conduct us

back again; a favour, which, though sorely against the grain, we were obliged to accept.

Nothing remarkable happened this day; for as to the firm persuasion of the captain that he was under the spell of witchcraft, I would not repeat it too often, though indeed he repeated it an hundred times every day; in truth, he talked of nothing else, and seemed not only to be satisfied in general of his being bewitched, but actually to have fixed, with good certainty, on the person of the witch, whom, had he lived in the days of Sir Matthew Hale, he would have infallibly indicted, and very possibly have hanged, for the detestable sin of witchcraft; but that law, and the whole doctrine that supported it, are now out of fashion; and witches, as a learned divine once chose to express himself, are put down by act of parliament. This witch, in the captain's opinion, was no other than Mrs. Francis of Ryde, who, as he insinuated, out of anger to me, for not spending more money in her house than she could produce any thing to exchange for, or any pretence to charge for, had laid this spell on his ship.

Though we were again got near our harbour by three in the afternoon, yet it seemed to require a full hour or more, before we could come to our former place of anchoring, or birth, as the captain called it. On this occasion we exemplified one of the few advantages, which the travellers by water have over the travellers by land. What would the latter often give for the sight of one of those hospitable mansions, where he is assured *that there is good entertainment for man and horse;* and where both may consequently promise themselves to assuage that hunger which exercise is so sure to raise in a healthy constitution.

At their arrival at this mansion, how much happier is the state of the horse than that of the master! The

former is immediately led to his repast, such as it is, and whatever it is, he falls to it with appetite. But the latter is in a much worse situation. His hunger, however violent, is always in some degree delicate, and his food must have some kind of ornament, or, as the more usual phrase is, of dressing, to recommend it. Now all dressing requires time; and therefore, though, perhaps, the sheep might be just killed before you came to the inn, yet in cutting him up, fetching the joint, which the landlord by mistake said he had in the house, from the butcher at two miles distance, and afterwards warming it a little by the fire, two hours at least must be consumed, while hunger, for want of better food, preys all the time on the vitals of the man.

How different was the case with us! we carried our provision, our kitchen, and our cook with us, and we were at one and the same time travelling on our road, and sitting down to a repast of fish, with which the greatest table in London can scarce at any rate be supplied.

*Friday.* As we were disappointed of our wind, and obliged to return back the preceding evening, we resolved to extract all the good we could out of our misfortune, and to add considerably to our fresh stores of meat and bread, with which we were very indifferently provided when we hurried away yesterday. By the captain's advice we likewise laid in some stores of butter, which we salted and potted ourselves, for our use at Lisbon, and we had great reason afterwards to thank him for his advice.

In the afternoon, I persuaded my wife, whom it was no easy matter for me to force from my side, to take a walk on shore, whither the gallant captain declared he was ready to attend her. Accordingly, the ladies set out, and

left me to enjoy a sweet and comfortable nap after the operation of the preceding day.

Thus we enjoyed our separate pleasures full three hours, when we met again; and my wife gave the foregoing account of the gentleman, whom I have before compared to Axylus, and of his habitation, to both which she had been introduced by the captain, in the style of an old friend and acquaintance, though this foundation of intimacy seemed to her to be no deeper laid than in an accidental dinner, eaten many years before, at this temple of hospitality, when the captain lay wind-bound in the same bay.

*Saturday.* Early this morning the wind seemed inclined to change in our favour. Our alert captain snatched its very first motion, and got under sail with so very gentle a breeze, that as the tide was against him, he recommended to a fishing hoy to bring after him a vast salmon and some other provisions which lay ready for him on shore.

Our anchor was up at six, and before nine in the morning we had doubled the Berry-head, and were arrived off Dartmouth, having gone full three miles in as many hours, in direct opposition to the tide, which only befriended us out of our harbour; and though the wind was, perhaps, our friend, it was so very silent, and exerted itself so little in our favour, that, like some cool partisans, it was difficult to say whether it was with us or against us. The captain, however, declared the former to be the case, during the whole three hours; but at last he perceived his error; or rather, perhaps, this friend, which had hitherto wavered in choosing his side, became now more determined. The captain then suddenly tacked about, and asserting that he was bewitched, submitted to return to the place from whence he came. Now, though I am as free from superstition as any man breath-

ing, and never did believe in witches, notwithstanding all the excellent arguments of my Lord Chief Justice Hale in their favour, and long before they were put down by act of parliament, yet by what power a ship of burthen should sail three miles against both wind and tide, I cannot conceive; unless there was some supernatural interposition in the case; nay, could we admit that the wind stood neuter, the difficulty would still remain. So that we must of necessity conclude, that the ship was either bewinded or bewitched.

The captain, perhaps, had another meaning. He imagined himself, I believe, bewitched, because the wind, instead of persevering in its change in his favour, for change it certainly did that morning, should suddenly return to its favourite station, and blow him back towards the Bay. But if this was his opinion, he soon saw cause to alter; for he had not measured half the way back, when the wind again declared in his favour, and so loudly, that there was no possibility of being mistaken.

The orders for the second tack was given, and obeyed with much more alacrity, than those had been for the first. We were all of us indeed in high spirits on the occasion; though some of us a little regretted the good things we were likely to leave behind us by the fisherman's neglect; I might give it a worse name, for he faithfully promised to execute the commission, which he had had abundant opportunity to do; but *Nautica fides* deserves as much to be proverbial, as ever *Punica fides* could formerly have done. Nay, when we consider that the Carthaginians came from the Phœnicians, who are supposed to have produced the first mariners, we may probably see the true reason of the adage, and it may open a field of very curious discoveries to the antiquary.

We were, however, too eager to pursue our voyage, to suffer any thing we left behind us to interrupt our

happiness, which, indeed, many agreeable circumstances conspired to advance. The weather was inexpressibly pleasant, and we were all seated on the deck, when our canvas began to swell with the wind. We had likewise in our view above thirty other sail around us, all in the same situation. Here an observation occurred to me, which, perhaps, though extremely obvious, did not offer itself to every individual in our little fleet: when I perceived with what different success we proceeded, under the influence of a superior power, which, while we lay almost idle ourselves, pushed us forward on our intended voyage, and compared this with the slow progress which we had made in the morning, of ourselves, and without any such assistance, I could not help reflecting how often the greatest abilities lie wind-bound as it were in life; or if they venture out, and attempt to beat the seas, they struggle in vain against wind and tide, and if they have not sufficient prudence to put back, are most probably cast away on the rocks and quicksands, which are every day ready to devour them.

It was now our fortune to set out *melioribus avibus*. The wind freshened so briskly in our poop, that the shore appeared to move from us, as fast as we did from the shore. The captain declared he was sure of a wind, meaning its continuance; but he had disappointed us so often, that he had lost all credit. However, he kept his word a little better now, and we lost sight of our native land, as joyfully, at least, as it is usual to regain it.

*Sunday.* The next morning, the captain told me he thought himself thirty miles to the westward of Plymouth, and before evening declared that the Lizard Point, which is the extremity of Cornwall, bore several leagues to leeward. Nothing remarkable passed this day, except the captain's devotion, who, in his own phrase, summoned all hands to prayers, which were read

by a common sailor upon deck, with more devout force and address, than they are commonly read by a country curate, and received with more decency and attention by the sailors, than are usually preserved in city congregations. I am indeed assured, that if any such affected disregard of the solemn office in which they were engaged, as I have seen practised by fine gentlemen and ladies, expressing a kind of apprehension lest they should be suspected of being really in earnest in their devotion, had been shewn here, they would have contracted the contempt of the whole audience. To say the truth, from what I observed in the behaviour of the sailors in this voyage, and on comparing it with what I have formerly seen of them at sea and on shore, I am convinced that on land there is nothing more idle and dissolute; in their own element, there are no persons near the level of their degree, who live in the constant practice of half so many good qualities. They are, for much the greater part, perfect masters of their business, and always extremely alert, and ready in executing it, without any regard to fatigue or hazard. The soldiers themselves are not better disciplined, nor more obedient to orders than these whilst aboard; they submit to every difficulty which attends their calling with cheerfulness, and no less virtues than patience and fortitude are exercised by them every day of their lives.

All these good qualities, however, they always leave behind them on shipboard; the sailor out of water is, indeed, as wretched an animal as the fish out of water; for though the former hath, in common with amphibious animals, the bare power of existing on the land, yet if he be kept there any time, he never fails to become a nuisance.

The ship having had a good deal of motion since she

was last under sail, our women returned to their sickness, and I to my solitude; having, for twenty-four hours together, scarce opened my lips to a single person. This circumstance of being shut up within the circumference of a few yards, with a score of human creatures, with not one of whom it was possible to converse, was perhaps so rare, as scarce ever to have happened before, nor could it ever happen to one who disliked it more than myself, or to myself at a season when I wanted more food for my social disposition, or could converse less wholesomely and happily with my own thoughts. To this accident, which fortune opened to me in the Downs, was owing the first serious thought which I ever entertained of enrolling myself among the voyage-writers; some of the most amusing pages, if, indeed, there be any which deserve that name, were possibly the production of the most disagreeable hours which ever haunted the author.

*Monday.* At noon the captain took an observation, by which it appeared that Ushant bore some leagues northward of us, and that we were just entering the Bay of Biscay. We had advanced a very few miles in this bay before we were entirely becalmed; we furled our sails, as being of no use to us, while we lay in this most disagreeable situation, more detested by the sailors than the most violent tempest; we were alarmed with the loss of a fine piece of salt beef, which had been hung in the sea to freshen it; this being, it seems, the strange property of salt-water. The thief was immediately suspected, and presently afterwards taken by the sailors. He was, indeed, no other than a huge shark, who, not knowing when he was well off, swallowed another piece of beef, together with a great iron crook on which it was hung, and by which he was dragged into the ship.

I should scarce have mentioned the catching this

shark, though so exactly conformable to the rules and practice of voyage-writing, had it not been for a strange circumstance that attended it. This was the recovery of the stolen beef out of the shark's maw, where it lay unchewed and undigested, and whence, being conveyed into the pot, the flesh, and the thief that had stolen it, joined together in furnishing variety to the ship's crew.

During this calm we likewise found the mast of a large vessel, which the captain thought had lain at least three years in the sea. It was stuck all over with a little shell-fish or reptile called a barnacle, and which probably are the prey of the rock-fish, as our captain calls it, asserting, that it is the finest fish in the world; for which we are obliged to confide entirely to his taste; for, though he struck the fish with a kind of harping-iron, and wounded him, I am convinced, to death, yet he could not possess himself of his body; but the poor wretch escaped to linger out a few hours, with probably great torments.

In the evening our wind returned, and so briskly, that we ran upwards of twenty leagues before the next day's [*Tuesday's*] observation, which brought us to lat. 47° 42′. The captain promised us a very speedy passage through the bay; but he deceived us, or the wind deceived him, for it so slackened at sun-set, that it scarce carried us a mile in an hour during the whole succeeding night.

*Wednesday.* A gale struck up a little after sun-rising, which carried us between three or four knots or miles an hour. We were this day at noon about the middle of the Bay of Biscay, when the wind once more deserted us, and we were so entirely becalmed, that we did not advance a mile in many hours. My fresh-water reader will perhaps conceive no unpleasant idea from this calm; but it affected us much more than a storm could have

done; for as the irascible passions of men are apt to swell with indignation long after the injury which first raised them is over, so fared it with the sea. It rose mountains high, and lifted our poor ship up and down, backwards and forwards, with so violent an emotion, that there was scarce a man in the ship better able to stand than myself. Every utensil in our cabin rolled up and down, as we should have rolled ourselves, had not our chairs been fast lashed to the floor. In this situation, with our tables likewise fastened by ropes, the captain and myself took our meal with some difficulty, and swallowed a little of our broth, for we spilt much the greater part. The remainder of our dinner being an old, lean, tame duck roasted, I regretted but little the loss of, my teeth not being good enough to have chewed it.

Our women, who began to creep out of their holes in the morning, retired again within the cabin to their beds, and were no more heard of this day, in which my whole comfort was to find, by the captain's relation, that the swelling was sometimes much worse; he did, indeed, take this occasion to be more communicative than ever, and informed me of such misadventures that had befallen him within forty-six years at sea, as might frighten a very bold spirit from undertaking even the shortest voyage. Were these, indeed, but universally known, our matrons of quality would possibly be deterred from venturing their tender offspring at sea; by which means our navy would lose the honour of many a young commodore, who at twenty-two is better versed in maritime affairs than real seamen are made by experience at sixty.

And this may, perhaps, appear the more extraordinary, as the education of both seems to be pretty much the same; neither of them having had their courage tried

by Virgil's description of a storm, in which, inspired as he was, I doubt whether our captain doth not exceed him.

In the evening the wind, which continued in the N. W. again freshened, and that so briskly, that Cape Finisterre appeared by this day's observation to bear a few miles to the southward. We now indeed sailed, or rather flew, near ten knots an hour; and the captain, in the redundancy of his good-humour, declared he would go to church at Lisbon on Sunday next, for that he was sure of a wind; and, indeed, we all firmly believed him. But the event again contradicted him; for we were again visited by a calm in the evening.

But here, though our voyage was retarded, we were entertained with a scene, which as no one can behold without going to sea, so no one can form an idea of any thing equal to it on shore. We were seated on the deck, women and all, in the serenest evening that can be imagined. Not a single cloud presented itself to our view, and the sun himself was the only object which engrossed our whole attention. He did indeed set with a majesty which is incapable of description, with which, while the horizon was yet blazing with glory, our eyes were called off to the opposite part to survey the moon, which was then at full, and which in rising presented us with the second object that this world hath offered to our vision. Compared to these the pageantry of theatres, or splendour of courts, are sights almost below the regard of children.

We did not return from the deck till late in the evening; the weather being inexpressibly pleasant; and so warm, that even my old distemper perceived the alteration of the climate. There was indeed a swell, but nothing comparable to what we had felt before, and it affected us on the deck much less than in the cabin.

*Friday.* The calm continued till sun-rising, when the wind likewise arose; but unluckily for us, it came from a wrong quarter; it was S.S.E. which is that very wind which Juno would have solicited of Æolus, had Æneas been in our latitude bound for Lisbon.

The captain now put on his most melancholy aspect, and resumed his former opinion, that he was bewitched. He declared, with great solemnity, that this was worse and worse, for that a wind directly in his teeth was worse than no wind at all. Had we pursued the course which the wind persuaded us to take, we had gone directly for Newfoundland, if we had not fallen in with Ireland in our way. Two ways remained to avoid this; one was to put into a port of Galicia; the other, to beat to the westward with as little sail as possible; and this was our captain's election.

As for us, poor passengers, any port would have been welcome to us; especially, as not only our fresh provisions, except a great number of old ducks and fowls, but even our bread, was come to an end, and nothing but sea biscuit remained, which I could not chew. So that now, for the first time in my life, I saw what it was to want a bit of bread.

The wind, however, was not so unkind as we had apprehended; but having declined with the sun, it changed at the approach of the moon, and became again favourable to us; though so gentle that the next day's observation carried us very little to the southward of Cape Finisterre. This evening, at six, the wind, which had been very quiet all day, rose very high, and, continuing in our favour, drove us seven knots an hour.

This day we saw a sail, the only one, as I heard of, we had seen in our whole passage through the Bay. I mention this on account of what appeared to me somewhat extraordinary. Though she was at such a distance

that I could only perceive she was a ship, the sailors discovered that she was a snow, bound to a port in Galicia.

*Sunday.* After prayers, which our good captain read on the deck, with an audible voice, and with but one mistake, of a lion for Elias, in the second lesson for this day, we found ourselves far advanced in 42°, and the captain declared we should sup off Porte. We had not much wind this day; but, as this was directly in our favour, we made it up with sail, of which we crowded all we had. We went only at the rate of four miles an hour, but with so uneasy a motion, continually rolling from side to side, that I suffered more than I had done in our whole voyage; my bowels being almost twisted out of my belly. However, the day was very serene and bright, and the captain, who was in high spirits, affirmed he had never passed a pleasanter at sea.

The wind continued so brisk that we ran upward of six knots an hour the whole night.

*Monday.* In the morning our captain concluded that he was got into lat. 40°, and was very little short of the Burlings, as they are called in the charts. We came up with them at five in the afternoon, being the first land we had distinctly seen since we left Devonshire. They consist of abundance of little rocky islands, a little distant from the shore, three of them only shewing themselves above the water.

Here the Portuguese maintain a kind of garrison, if we may allow it that name. It consists of malefactors, who are banished hither for a term, for divers small offences. A policy which they may have copied from the Egyptians, as we may read in Diodorus Siculus. That wise people, to prevent the corruption of good manners by evil communication, built a town on the Red Sea, whither they transported a great number of

their criminals, having first set an indelible mark on them, to prevent their returning and mixing with the sober part of their citizens.

These rocks lie about fifteen leagues North-west of Cape Roxent; or, as it is commonly called, the Rock of Lisbon; which we passed early the next morning. The wind, indeed, would have carried us thither sooner; but the captain was not in a hurry, as he was to lose nothing by the delay.

*Tuesday.* This is a very high mountain, situated on the northern side of the mouth of the river Tajo, which, rising about Madrid, in Spain, and soon becoming navigable for small craft, empties itself, after a long course, into the sea, about four leagues below Lisbon.

On the summit of the rock stands a hermitage, which is now in the possession of an Englishman, who was formerly master of a vessel trading to Lisbon; and, having changed his religion and his manners, the latter of which, at least, were none of the best, betook himself to this place, in order to do penance for his sins. He is now very old, and hath inhabited this hermitage for a great number of years, during which he hath received some countenance from the royal family; and particularly from the present queen dowager, whose piety refuses no trouble or expence by which she may make a proselyte; being used to say, that the saving one soul would repay all the endeavours of her life.

Here we waited for the tide, and had the pleasure of surveying the face of the country, the soil of which, at this season, exactly resembles an old brick-kiln, or a field where the green sward is pared up and set a burning, or rather a smoking, in little heaps to manure the land. The sight will, perhaps, of all others, make an Englishman proud of, and pleased with, his own country, which in verdure excels, I believe, every other

country. Another deficiency here is the want of large trees, nothing above a shrub being here to be discovered in the circumference of many miles.

At this place we took a pilot on board, who, being the first Portuguese we spoke to, gave us an instance of that religious observance which is paid by all nations to their laws; for, whereas it is here a capital offence to assist any person in going on shore from a foreign vessel before it hath been examined, and every person in it viewed by the magistrates of health, as they are called, this worthy pilot, for a very small reward, rowed the Portuguese priest to shore at this place, beyond which he did not dare to advance; and in venturing whither he had given sufficient testimony of love for his native country.

We did not enter the Tajo till noon, when, after passing several old castles, and other buildings, which had greatly the aspect of ruins, we came to the Castle of Bellisle, where we had a full prospect of Lisbon, and were, indeed, within three miles of it.

Here we were saluted with a gun, which was a signal to pass no farther, till we had complied with certain ceremonies, which the laws of this country require to be observed by all ships which arrive in this port. We were obliged then to cast anchor, and expect the arrival of the officers of the customs, without whose passport no ship must proceed farther than this place.

Here likewise we received a visit from one of those magistrates of health before mentioned. He refused to come on board the ship till every person in her had been drawn up on deck, and personally viewed by him. This occasioned some delay on my part, as it was not the work of a minute to lift me from the cabin to the deck. The captain thought my particular case might have been excused from this ceremony; and that it would be abun-

dantly sufficient if the magistrate, who was obliged afterwards to visit the cabin, surveyed me there. But this did not satisfy the magistrate's strict regard to his duty. When he was told of my lameness, he called out, with a voice of authority, 'Let him be brought up,' and his orders were presently complied with. He was, indeed, a person of great dignity, as well as of most exact fidelity in the discharge of his trust. Both which are the more admirable as his salary is less than thirty pounds English *per annum.*

Before a ship hath been visited by one of those magistrates, no person can lawfully go on board her; nor can any on board depart from her. This I saw exemplified in a remarkable instance. The young lad, whom I have mentioned as one of our passengers, was here met by his father, who, on the first news of the captain's arrival, came from Lisbon to Bellisle in a boat, being eager to embrace a son whom he had not seen for many years. But when he came alongside our ship, neither did the father dare ascend nor the son descend, as the magistrate of health had not been yet on board.

Some of our readers will, perhaps, admire the great caution of this policy, so nicely calculated for the preservation of this country from all pestilential distempers. Others will as probably regard it as too exact and formal to be constantly persisted in, in seasons of the utmost safety, as well as in times of danger. I will not decide either way; but will content myself with observing, that I never yet saw or heard of a place where a traveller had so much trouble given him at his landing as here. The only use of which, as all such matters begin and end in form only, is to put it into the power of low and mean fellows to be either rudely officious or grossly corrupt, as they shall see occasion to prefer the gratification of their pride or of their avarice.

Of this kind, likewise, is that power which is lodged with other officers here, of taking away every grain of snuff, and every leaf of tobacco, brought hither from other countries, though only for the temporary use of the person, during his residence here. This is executed with great insolence, and as it is in the hands of the dregs of the people, very scandalously; for, under pretence of searching for tobacco and snuff, they are sure to steal whatever they can find, insomuch, that when they came on board, our sailors addressed us in the Covent-Garden language, 'Pray, gentlemen and ladies, 'take care of your swords and watches.' Indeed, I never yet saw any thing equal to the contempt and hatred which our honest tars every moment expressed for these Portuguese officers.

At Bellisle lies buried Catharine of Arragon, widow of Prince Arthur, eldest son of our Henry VII., afterwards married to, and divorced from, Henry VIII. Close by the church where her remains are deposited is a large convent of Geronymites, one of the most beautiful piles of buildings in all Portugal.

In the evening, at twelve, our ship having received previous visits from all the necessary parties, took the advantage of the tide, and having sailed up to Lisbon, cast anchor there, in a calm, and a moon-shiny night, which made the passage incredibly pleasant to the women, who remained three hours enjoying it, whilst I was left to the cooler transports of enjoying their pleasures at second-hand; and yet, cooler as they may be, whoever is totally ignorant of such sensation, is at the same time void of all ideas of friendship.

*Wednesday.* Lisbon, before which we now lay at anchor, is said to be built on the same number of hills with old Rome; but these do not all appear to the water; on the contrary, one sees from thence one vast high hill

and rock, with buildings arising above one another, and that in so steep and almost perpendicular a manner, that they all seem to have but one foundation.

As the houses, convents, churches, &c. are large, and all built with white stone, they look very beautiful at a distance; but as you approach nearer, and find them to want every kind of ornament, all idea of beauty vanishes at once. While I was surveying the prospect of this city, which bears so little resemblance to any other that I have ever seen, a reflection occurred to me, that if a man was suddenly to be removed from Palmyra hither, and should take a view of no other city, in how glorious a light would the antient architecture appear to him! and what desolation and destruction of arts and sciences would he conclude had happened between the several æras of these cities!

I had now waited full three hours upon deck for the return of my man, whom I had sent to bespeak a good dinner (a thing which had been long unknown to me) on shore, and then to bring a Lisbon chaise with him to the sea-shore; but, it seems, the impertinence of the providore was not yet brought to a conclusion. At three o'clock, when I was, from emptiness, rather faint than hungry, my man returned, and told me, there was a new law lately made that no passenger should set his foot on shore without a special order from the providore; and that he himself would have been sent to prison for disobeying it, had he not been protected as the servant of the captain. He informed me likewise, that the captain had been very industrious to get this order, but that it was then the providore's hour of sleep, a time when no man, except the king himself, durst disturb him.

To avoid prolixity, though in a part of my narrative which may be more agreeable to my reader than it was

to me, the providore, having at last finished his nap, dispatched this absurd matter of form, and gave me leave to come, or rather to be carried, on shore.

What it was that gave the first hint of this strange law is not easy to guess. Possibly, in the infancy of their defection, and before their government could be well established, they were willing to guard against the bare possibility of surprise, of the success of which bare possibility the Trojan horse will remain for ever on record, as a great and memorable example. Now the Portuguese have no walls to secure them, and a vessel of two or three hundred tuns will contain a much larger body of troops than could be concealed in that famous machine, though Virgil tells us (somewhat hyperbolically, I believe) that it was as big as a mountain.

About seven in the evening I got into a chaise on shore, and was driven through the nastiest city in the world, though at the same time one of the most populous, to a kind of coffee-house, which is very pleasantly situated on the brow of a hill, about a mile from the city, and hath a very fine prospect of the river Tajo from Lisbon to the sea.

Here we regaled ourselves with a good supper, for which we were as well charged, as if the bill had been made on the Bath-road, between Newbury and London.

And now we could joyfully say,

*Egressi optata Troes potiuntur arena.*

Therefore, in the words of Horace,

*—hic Finis chartæque viæque.*

A

# FRAGMENT

OF A

# COMMENT

ON

# LORD BOLINGBROKE'S ESSAYS.

A

# FRAGMENT,

*&c.*

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I MUST confess myself to be one of those who brought with me to the perusal of the late published volumes of Lord Bolingbroke a very high prejudice to the doctrines said to have been established in them; but, at the same time, can as truly assert, that I had the highest and strongest prepossession in favour of the abilities of the author. Such, indeed, was this prepossession, that it might, I think, be a sufficient warrant of a man's candour against any prejudice whatever; and it is in the true spirit of this candour that I declare, upon the perusal, I have found my prepossessions greatly abated, and my prejudices not in the least removed.

Could it therefore be supposed, that all mankind were alike able to try the cause of truth, and to form their judgment on the weight of argument and evidence only, I think there could be no danger in leaving the decision of this matter upon his lordship's own reasoning, without any attempt to answer him. But when we consider how very weak the abilities of mankind in general are in disquisitions of this nature; how much weaker they are rendered for this purpose by want of due attention; and,

lastly, how apt they are to carry any little partiality which they have preconceived before the examination of a cause up to the final decision of it in their minds, it may possibly be very dangerous to society to suffer such pernicious doctrines to stand unobjected to with so great a name at their head. Many, I am convinced, will think the authority of this name alone sufficient to establish their own belief upon, without any farther inquiry at all. Many others will imagine very little inquiry necessary, and, though they did not entirely acquiesce in taking his word, will be easily cajoled with his reasons, which, however little they may have of substance, have much of the specious ornaments of wit and language, with all the allurements of novelty both of style and manner; and, finally, with an appearance, at least, of reading very singular and extensive.

From which last particular may arise a third sort very worthy of receiving some assistance on this occasion; such, I mean, as have not the least inclination to his lordship's doctrines, nor would, indeed, assent to them on the authority of any man breathing, who may yet have wanted leisure or opportunity sufficient to provide themselves with a proper fund of knowledge, to give a ready answer to various assertions which will occur in the works now under consideration, and which, though they have the worst of tendencies, have in reality themselves no better support (and not always so good a one) than some very weak and slender hypotheses, and are at other times built on the revival of old chimerical principles which have been confuted and exploded long ago.

Now to all these different constitutions we shall endeavour to apply our several antidotes. And here, luckily for us, we are provided with an argument which must most effectually silence those who are

the most difficult of all others to be usually dealt with in the way of reasoning; such are the persons I mentioned in the first class, who believe from authority only, and who have not yet, with the schools, given up the irresistible argument of he himself said it.

The force of this argument, however, even in the days when it flourished most, drew all its strength from a supposition that, if he himself said it, he himself believed it: for, if it could have been proved of Aristotle that he had asserted *pro* and *con*, and had, with the same clearness, affirmed in one part of his works the same thing to be, and in another the same thing not to be, none of his scholars would have known which he believed, and all others would, perhaps, have thought that he had no belief at all in, nor indeed any knowledge of, the matter.

If, therefore, his lordship shall appear to have made use of this duplicity of assertion, and that not in one or two but in many instances, may we not draw the like conclusions? Luckily, perhaps, for his lordship, we may not be driven to the same absolute degree of uncertainty as must have resulted from the case of Aristotle, as I have put it above; since our noble author himself seems to have left us a kind of clue, which will sufficiently lead to the discovery of his meaning, and will shew us as often as he is pleased to assert both sides of a contradiction on which side we are to believe him.

And here I shall premise two cautions: one of which I shall borrow from the rules established among writers; the reasonableness of the other I shall endeavour to evince from a rule given us by one of the greatest lawyers whom this kingdom ever bred.

The first is, that of interpreting the sense of an author with the utmost candour, so as not to charge him with any gross and invidious meaning when his words are

susceptible of a much more benign and favourable sense.

The second is, the observation formed upon the works of Judge Littleton by Lord Chief Justice Coke; that is, that whenever that great lawyer is pleased to put down two opinions directly contradicting each other, that the latter opinion is always the best, and always his own.

To apply these to the present purpose, I first of all recommend to the candour of the reader, that whenever he shall find two assertions directly contrary to each other (and many such we do promise to produce him) one of which directly tends to take away all religion whatever, and the other as directly to establish natural religion at least, that he will be so kind, since it is impossible that my lord should have believed both, to imagine that he rather believed the latter; especially as this latter, from its contradicting the apparent purpose of the author, appears to have been last set down; and, consequently, will have my Lord Coke's sanction in favour of the superior authority.

Lastly, if it should ever happen that his lordship's sentiments should be more clearly expressed in favour of the worse than of the better doctrine, we will endeavour all that in us lies to explain and illustrate those hints; by which, we trust, he will always assist a careful and accurate examiner in rescuing the esoteric purity of his doctrines from that less amiable appearance in which their exoteric garb represents them.

In short, we doubt not but to make it appear as a fact beyond all contest, that his lordship was in jest through the whole work which we have undertaken to examine. If an inflamed zealot should in his warmth compare such jesting to his in the Psalmist; or if a cooler disposition should ask how it was possible to jest with matters of such importance; I confess I have no defence against the

accusation, nor can give any satisfactory answer to the question. To this, indeed, I could say, and it is all that I could say, that my Lord Bolingbroke was a great genius, sent into the world for great and astonishing purposes. That the ends, as well of means, of action in such personages are above the comprehension of the vulgar. That his life was one scene of the wonderful throughout. That, as the temporal happiness, the civil liberties and properties, of Europe, were the game of his earliest youth, there could be no sport so adequate to the entertainment of his advanced age as the eternal and final happiness of all mankind. That this is the noblest conservation of character, and might, if perceived in himself, possibly lead our great genius to see the Supreme Being in the light of a dramatic poet, and that part of his works which we inhabit as a drama. 'The sensitive inhabitants of our 'globe,' says Lord Bolingbroke,* 'like the *dramatis per-* '*sonæ*, have different characters, and are applied to dif- 'ferent purposes of action in every scene. The several 'parts of the material word, like the machines of a 'theatre, were contrived not for the actors but for the 'action; and the whole order and system of the drama 'would be disordered and spoiled, if any alteration was 'made in either. The nature of every creature, his man- 'ner of being, is adapted to his state here, to the place he 'is to inhabit, and, as we may say, to the part he is to 'act.' It hath been, I think, too common with the poets to aggrandize their profession with such kind of similes, and I have, somewhere in an English dramatic writer, met with one so nearly resembling the above, that his lordship might be almost suspected to have read it likewise; but such conceits are inconsistent with any (even the least) pretence to philosophy. I recollect, indeed, a

* Vol. V. p. 377.

single instance, in the writings of Jordano Bruno, who was burnt at Rome for heresy, or, if we believe Scioppius, for most horrid blasphemy, the latter end of the fifteenth century; and who, from a want of a due correspondence between the passive powers of matter and the active power of God, compares the Supreme Being to a fiddler who hath skill to play, but cannot for want of a fiddle. This, it must be confessed, is going somewhat farther; as much farther, in reality, as to descend from the stage to the orchestra. This ludicrous treatment of the Being so universally (for half a dozen madmen must not be allowed to strip any opinion of universality) acknowledged to be the cause of all things, whilst it sounds so ill in the grave voice of reason, very well becomes the lips of a droll: for novelty, boldness, and even absurdity, as they all tend to surprise, do often give a poignancy to wit, and serve to enhance a jest. This affords a second reason why we may suspect his lordship was not over serious in the work before us.

Thirdly, that his lordship never thought proper to revise this performance, is a very strong argument that he could not be in earnest, either in believing himself in his own doctrines, or in endeavouring to imprint such a belief on others. That he did not in fact revise his works is manifest, from the numerous contradictions that occur in them, and these often in the same page; so that, for the most part, they could not escape the dullest and bluntest degree of penetration; surely we cannot impute the repeated oversights to one who hath so explicitly asserted, *That to be liable to contradict yourself, is to be liable to one of the greatest of human imperfections! An author, in the first hurry of setting down his thoughts on a subject which warms him may possibly, indeed, assert

* Essays, p. 181.

two opinions not perfectly reconcilcable with each other; nay, there are some writers from whom we can reasonably expect no less, since, as Archbishop Tillotson observes, it is hard to contradict truth and nature without contradicting one's-self. But to expunge such mistakes is the office of revisal and correction; and therefore a work in which these mistakes abound is very justly called an incorrect performance. As this work therefore doth, more than any which I ever saw, afford us instances of what his lordship calls the greatest human imperfection, charity shews me no more candid way of accounting for them than this which I have mentioned.

Lastly, the very form and title, under which the noble lord hath thought proper to introduce his philosophy into the world, is a very strong evidence of the justice of all the foregoing observations. We may form, I think, one general precept from the trite story of Archimedes; this is, not to undertake any great work without preconcerting such means as may be adequate to the execution. Now to turn the material world topsy-turvy is a project scarce more difficult in appearance, than to perform the same notable exploit in the intellectual. And yet Archimedes might as judiciously have fixed his machine *in vacuo*, as his lordship hath chosen to argue against the best-established systems in the intellectual world in fragments of essays. This method, not to mention the indignity it offers to the subject in dispute, is treating the whole body of the learned with more supercilious disrespect than nature seems yet to have qualified any member of that body to express towards the rest of his brethren; and which must appear to be wonderful, if serious, in one who expresses so modest an opinion of his own critical talents; though, as to his modesty, it must indeed be confessed to be somewhat seasoned with a due mixture of contempt.

But, whatever may lessen the idea of his lordship's modesty, there is only one way to lessen that of his absurdity; this is, to conclude that he was in jest: nay, there is one way to see this absurdity in an amiable light; for in such a light will he appear, if we suppose that he puts on the jack-pudding's coat with the noble view of exposing and ridiculing those pernicious tenets, which have lately been propagated, with a zeal more difficult to be accounted for than its success.

That such an attempt of exposing any popular error would always prove victorious, is, I think, extremely probable. My Lord Shaftesbury hath been blamed for saying, 'That ridicule is one of those principal lights or 'natural mediums by which things are to be viewed, in 'order to a thorough recognition; for that truth, it is 'supposed, may bear all lights.'* Perhaps there may be some justice in this censure, as truth may by such a trial be subjected to misrepresentation, and become a more easy prey to the malice of its enemies; a flagrant instance of which we have in the case of Socrates.

But whatever objection there may be against trying truth by ridicule, there can be none, I apprehend, of making use of its assistance in expelling and banishing all falsehood and imposture, when once fairly convicted, out of society; and as this method is for this purpose very unexceptionable, so is it generally the most efficacious that can be invented; as will appear by some examples which will occur in the course of our comment on his lordship's essays, or fragments of essays, on which we shall now enter without farther preface or apology.

* Essay on the Freedom of Wit and Humour, part I. sect. i.

## SECTION I.

And here, as a proof that we are as liable to be corrupted by our books as by our companions, I am in danger of setting out with a contradiction. Nay, I must yet venture to do this in some degree with my eyes open, and must lay my defence on a distinction rather too nice, and which relies too much on the candour of my reader.

The truth is, our noble author's chief strength lies in that very circumstance which I have before asserted to be of itself alone a sufficient argument of his weakness; whereas, on the contrary, his manner affords such a protection to his matter, that if he had designed to reserve to himself the sole privilege of answering his own doctrine, he could not have invented a more ingenious or effectual contrivance. It hath been alleged as a good reason for not answering certain books, that one must be obliged first to read them; but surely we shall find few men so very charitable, or so much our friends, to give them order and method with a view only of complimenting them with an answer.

This, however, I attempted, though I own with no great success; and that not so much, I apprehend, from want of sufficient matter to make out such colourable systems as may be expected in such a writer, as from a certain dark, cautious, and loose manner of expressing his sentiments, which must arise either from a writer's desire of not being very easily explained, or from an incapacity of making himself very clearly understood. The difficulties arising to the commentator on these

fragments, will appear to be assignable only to the former cause: for a very indifferent reader will be seldom at a loss in comprehending his lordship in his own works; but to transfer his doctrines with their authority (*i.e.* the *ipse dixit* of the author) into another work, is often very difficult, and without long quotations, too apt to tire the reader, impossible. In this light a very fine thought of Mr. Pope's occurs to my memory.

> 'Tho' index-learning turns no student pale,
> 'It holds the eel of science by the tail.'

The best way then of proceeding with so slippery a reasoner; the only way, indeed, in which I see any possibility of proceeding with him, is first to lay down some general rules, all of which will hereafter be proved out of his writings, and then pursuing him chapter by chapter, to extract the several proofs, however scattered and dispersed, which tend to establish both parts of the contradictions, which I shall now set down.

Our noble author sets out in his first section with a sly insinuation, that it is possible for the gravest of philosophers, on the gravest of subjects, to advance propositions in jest. 'It is more probable,' says Lord B———, 'and it is more candid to believe, that this 'philosopher (Descartes) was in earnest, than that he 'was in jest, when he advanced this proposition,'* *concerning the immutability and eternity of certain mathematical truths.* I will add, that I believe that an idea of such jesting had never any footing in the human head, till it first found admission into that of this noble lord.

In the same section his lordship proceeds thus: 'The

* Essays, p. 1.

'ancients thought matter eternal, and assumed that the 'Demiurgus, or Divine Architect, composed the frame 'of the world with materials which were ready prepared, 'and independently on him, in a confused chaos. Much 'in the same manner such metaphysicians as the learned 'Cudworth have imagined a sort of intellectual chaos, a 'chaos of eternal ideas, of incorporeal essences, inde-'pendent on God, self-existent, and therefore coeval with 'the Supreme Being, and therefore anterior to all other 'natures. In this intellectual chaos God sees, and man 'must endeavour to see, the natures, the real essences of 'things; and thus the foundations of morality are laid 'higher than the existence of any moral agents, before 'there was any system of being from which the obliga-'tions to it could result, or to which they could be 'applied; just as the same philosophers suppose the 'incorporeal essences of white and black to have ex-'isted when there was no such thing as colour, and 'those of a square and circle, when there was neither 'form nor figure.'*

Here I am afraid the learned peer hath gone no farther for his erudition than the first or second pages of Ovid's Metamorphoses; for could he be recalled from the dead, contrary to his own doctrine, as he hath recalled Descartes, and were asked whom he meant by the ancients, he could not certainly answer, in general, the ancient philosophers, for then the whole tribe of atheists would be ready to testify against him. If he should answer, that he meant the ancient theists only, and less he cannot be supposed to mean by those who are well-bred enough to suppose he meant any thing, he will be far from finding even among these an universal concurrence with his opinion. Thales, the chief of the Grecian sages,

* Essays, page 6.

and who is said to have first turned his thoughts to physiological enquiries, affirmed the independent pre-existence of God from all eternity. The words of Laertius are remarkable, and I will render them with the most literal exactness in my power. He asserted, says Laertius, 'That God was the oldest of all beings, 'for he existed *without a previous cause* EVEN IN THE 'WAY OF GENERATION; that the world was the most 'beautiful of all things; for *it was* CREATED BY God, '&c.'* This notion of the creation, Aristotle tells us, was agreeable to the concurrent voice of all antiquity: 'All,' says he, 'assert the creation of the world; but 'they differ in this, that some will have the world sus-'ceptible of dissolution, which others deny.' † On this occasion Aristotle names Empedocles and Heraclitus, but, which is somewhat remarkable, never mentions Thales. The opinion itself is opposed by the Stagyrite; and this opposition he was forced to maintain, or he must have given up the eternity of the world, which he very justly asserts to be inconsistent with any idea of its creation. But we will dismiss the ancients from the bar, and see how his lordship will support his arraignment of the moderns. The charge against them is, that they have holden certain ideas, or incorporeal essences to be self-existent. Concerning these doctrines his lordship thus harangues in the very same page: ‡ Mr. Locke observes, how impossible 'it 'is for us to conceive certain relations, habitudes, and 'connections, visibly included in some of our ideas, to 'be separable from them even by infinite power. Let

* Diog. Laert. lib. i. sect. 35, where I submit to the learned reader the construction he will observe I have given to the different import of those terms ἀγένητον and ποίημα; the first of which may be considered as a qualified, the latter as an absolute cause.

† Aristot. de Cœlo, lib. i. cap. 10. ‡ Essay, page 6.

'us observe, on this occasion, how impossible, or, at 'least, how extremely difficult it is for us to separate 'the idea of eternity from certain moral and mathe- 'matical truths, as well as from such as are called 'necessary, and are self-evident on one hand; and, 'on the other, how impossible it is to conceive that 'truths should exist before the things to which they 'are relative; or particular natures and essences, before 'the system of universal nature, and when there was 'no being but the super-essential Being.'*

If I had any inclination to cavil, I might, with truth, assert, that no such passage is to be found in Mr. Locke. His words are: 'In some of our ideas there are certain 'relations, habitudes, and connections, so visibly in- 'cluded in the nature of the ideas themselves, that 'we cannot conceive them separable from them by 'any power whatsoever.' It may be answered, perhaps, that the violence is done rather to the expression, than to the meaning of this truly great man; but if I should candidly admit that he seems, from the immediate context, to mean no less (I say seems to mean; for, whoever will carefully compare what is said in another part of the same book,† of the powers of the mind in forming the archetypes of its complex ideas of mixed modes, may possibly think he sees sufficient reason for resolving what is here affirmed of arbitrary (not infinite) power, into the human mind only); I may yet reply, that such a violence even to the expression of such a writer on such a subject, is by no means void of blame, nor even of suspicion, when it is left without a reference to conceal itself in a large folio, where it will not be easily detected by any but

* Essay on Human Understanding, l. iv. cap. 3. sect. 29.

† Locke's Essay, l. ii. cap. 31.

those who are pretty familiarly acquainted with the original.

But it is time to close this article, which, I think, seems to stablish contradiction the first; for under what other term shall we range the arguing *pro* and *con* in the same breath; for where is the force of the accusation, or, as a lawyer would call it, the gist of the indictment against poor Cudworth? is it not (to use my lord's own phrase) 'the laying the foundations of 'morality higher than the existence of any moral 'agents?' And what says my lord to enforce the charge? Why, truly, he alleges in defence of the accused, that it was impossible for him to have done otherwise, and produces the authority of Mr. Locke to confirm this impossibility.

The generosity of this sudden transition from accuser to advocate would convince all men on which side his lordship had here delivered his real sentiments, was it not somewhat controlled by his having concealed from his readers, that the philosopher, a little afterwards, in the same book,* hath endeavoured to prove, and, I think, actually hath proved, that there is no absurdity in what my Lord Bolingbroke objects, provided the doctrine be rightly understood, so as not to establish innate principles. That the actual existence of the subjects of mathematical or moral ideas is not in the least necessary to give us a sufficient evidence of the necessity of those ideas; and that, in the disputes of the mathematician, as well as of the moralist, the existence of the subject matter is rarely called in question; nor is it more necessary to their demonstrations and conclusions, than it would be to prove the truth of Tully's Offices, to shew that there was some man who lived

* Locke's Essays, lib. iv. cap. 9.

up to that idea of perfect goodness, of which Tully hath given us a pattern. There is somewhat very mysterious in all this; but we have not promised to explain contradictions farther than by shewing to which side his lordship's authority seems to incline. And surely it is better to decide in favour of possibility, and to lay the foundations of morality too high, than to give it no foundation at all.

*Desunt cætera.*

AN

# ENQUIRY

INTO THE CAUSES OF

## THE LATE INCREASE OF ROBBERS, *&c.*

WITH SOME

## PROPOSALS

FOR REMEDYING THIS GROWING EVIL.

IN WHICH

The present reigning VICES are impartially exposed; and the Laws that relate to the Provision for the POOR, and to the Punishment of FELONS are largely and freely examined.

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*Non jam sunt mediocres hominum libidines, non humanæ audaciæ ac tolerandæ. Nihil cogitant nisi cædem, nisi incendia, nisi rapinas.*

CIC. in Catil. 2da.

# DEDICATION.

TO THE RIGHT HONOURABLE

## PHILIP LORD HARDWICKE,

LORD HIGH CHANCELLOR OF GREAT BRITAIN.

MY LORD,

As the reformation of any part of our civil polity requires as much the knowledge of the statesman as of the lawyer, the following sheets are, with the strictest propriety, addressed to a person of the highest eminence in both these capacities.

The subject of this treatise cannot be thought unworthy of such a protection, because it touches only those evils which have arisen in the lower branches of our constitution. This consideration will account for their having hitherto escaped your lordship's notice; and that alone will account for their having so long prevailed; but your lordship will not, for this reason, think it below your regard; since, however ignoble the parts may be in which the disease is first engendered, it will in time be sure to affect the whole body.

The subject, indeed, is of such importance, that we may truly apply to it those words of *Cicero*, in his first book of laws: *Ad Reipublicæ formandas et stabiliendas vires, et ad sanandos Populos omnis pergit Oratio.* How

far I have been able to succeed in the execution must be submitted to your lordship's candour. I hope I have no immodest opinion of my own abilities; but, in truth, I have much less confidence in my authority. Indeed, the highest authority is necessary to any degree of success in an attempt of this kind. Permit me, therefore, my lord, to fly to the protection of the highest which doth now exist, or which perhaps ever did exist, in this kingdom.

This great sanction is, I am convinced, always ready to support what really tends to the public utility; if I fail, therefore, of obtaining the honour of it, I shall be fully satisfied that I do not deserve it, and shall sit down contented with the merit of a good intent; for surely there is some praise due to the bare design of doing a service to the public. Nor can my enemies, I think, deny that I am entirely disinterested in my endeavour, unless they should discover the gratification which my ambition finds in the opportunity of this address. I am, with the most profound respect,

My Lord,

Your Lordship's most obedient,

Most devoted humble servant,

HENRY FIELDING.

# PREFACE.

THERE is nothing so much talked of, and so little understood in this country as the *Constitution*. It is a word in the mouth of every man; and yet when we come to discourse of the matter there is no subject on which our ideas are more confused and perplexed. Some, when they speak of the constitution, confine their notions to the law; others to the legislature; others, again, to the governing or executive part; and many there are, who jumble all these together in one idea. One error, however, is common to them all; for all seem to have the conception of something uniform and permanent, as if the constitution of England partook rather of the nature of the soil than of the climate, and was as fixed and constant as the former, not as changing and variable as the latter.

Now in this word, *The Constitution*, are included the original and fundamental laws of the kingdom, from whence all powers are derived, and by which they are circumscribed; all legislative and executive authority; all those municipal provisions which are commonly called *The Laws;* and, lastly, the customs, manners, and habits of the people. These, joined together, do, I apprehend, form the political, as the several members of the body, the animal economy, with the humours and habit, compose that which is called the natural constitution.

The Greek philosophy will, perhaps, help us to a better idea; for neither will the several constituent parts, nor the contexture of the whole, give an adequate notion of the word. By the *Constitution* is, indeed, rather meant some-

thing which results from the order and disposition of the whole; something resembling that harmony for which the *Theban* in *Plato's Phædo* contends; which he calls, ἀόρατόν τι καὶ ἀσώματον, *something invisible and incorporeal.* For many of the Greeks imagined the soul to result from κρασις, or composition of the parts of the body, when these were properly tempered together; as harmony doth from the proper composition of the several parts in a well-tuned musical instrument: In the same manner, from the disposition of the several parts in a state, arises that which we call the *Constitution.*

In this disposition the laws have so considerable a share, that, as no man can perfectly understand the whole, without knowing the parts of which it is composed, it follows, that, to have a just notion of our constitution without a competent knowledge of the laws, is impossible. Without this, the reading over our historians may afford amusement, but will very little instruct us in the true essentials of our constitution. Nor will this knowledge alone serve our purpose. The mere lawyer, however skilful in his profession, who is not versed in the genius, manners, and habits of the people, makes but a wretched politician. Hence the historian, who is ignorant of our law, and the lawyer, who is ignorant of our history, have agreed in that common error, remarked above, of considering our constitution as something fixed and permanent; for the exterior form of government (however the people are changed) still, in a great degree, remains what it was; and the same, notwithstanding all its alterations, may be said of the law.

To explain this a little farther: From the original of the lower house of parliament to this day, the supreme power hath been vested in the king and the two houses of parliament. These two houses have, each at different times, carried very different weights in the balance, and

yet the form of government remained still one and the same; so hath it happened to the law; the same courts of justice, the same form of trials, &c. have preserved the notion of identity, though, in real truth, the present governing powers, and the present legal provisions, bear so little resemblance to those of our ancestors in the reign of King John, or indeed in later times, that could any lawyer or statesman of those days be recalled to life, he would make, I believe, a very indifferent figure in Westminster-hall, or in any of the parts there adjacent.

To perceive the alterations in our constitution, doth, in fact, require a pretty just knowledge both of the people and of the laws; for either of these may be greatly changed, without producing any immediate effect on the other. The alterations in the great wheels of state above-mentioned, which are so visible in our historians, are not noticed in our laws, as very few of the great changes in the law have fallen under the eye of our historians.

Many of both kinds have appeared in our constitution; but I shall at present confine myself to one only, as being that which principally relates to the subject of the following treatise.

If the constitution, as I have above asserted, be the result of the disposition of the several parts beforementioned, it follows, that this disposition can never be altered, without producing a proportional change to the constitution. 'If the soul,' says Simmias in *Plato*, 'be 'a harmony resulting from the disposition of the cor-'poreal parts, it follows, that when this disposition is 'confounded, and the body is torn by diseases or other 'evils, the soul immediately (whatever be her divinity) 'must perish.' This will be apparent, if we cast our eyes a moment towards the animal economy; and it is no less true in the political.

The customs, manners, and habits of the people, do, as I have said, form one part of the political constitution; if these are altered, therefore, this must be changed likewise; and here, as in the natural body, the disorder of any part will, in its consequence, affect the whole.

One known division of the people in this nation is into the nobility, the gentry, and the commonalty. What alterations have happened among the two former of these, I shall not at present inquire; but that the last, in their customs, manners, and habits, are greatly changed from what they were, I think to make appear.

If we look into the earliest ages, we shall find the condition of this third part to have been very low and mean. The highest order of this rank, before the conquest, were those tenants in socage, who held their lands by the service of the plough; who, as Lyttleton tells us, 'were to come with their plough for certain days in 'the year, to plough and sow the demesne of the 'lords;' as the villans, saith the same author, 'were to 'carry and recarry the dung of his lord, spread it upon 'his land, and to perform such like services.'

This latter was rightly accounted a slavish tenure. The villans were indeed considered in law as a kind of chattel belonging to their masters; for though these had not the power of life and death over them, nor even of maiming them with impunity, yet these villans had not even the capacity of purchasing lands or goods; but the lord on such purchase, might enter into the one, and seize the other for his own use. And as for the land which they held in villenage, though Lord Coke says, it was not only held at the will of the lord, but according to the custom of the manor; yet, in ancient times, if the lord ejected them, they were manifestly without remedy.

And as to the former, though they were accounted freemen, yet were they obliged to swear fealty to their

lord; and though Mr. Rapin be mistaken, when he says they could not alienate the land (for before the statute of *Magna Charta*, chap. 32, they could have given or sold the whole, but without any alteration of the tenure) yet was the estate of these but very mean. 'Though 'they are called freemen,' says Lord Coke, 'yet they 'ploughed, harrowed, reaped, and mowed, &c., for the 'lord;' and Bracton, *Dicuntur Socmanni eo quod deputat sunt tantummodo ad culturam.*

Besides such as were bound by their tenures to the service of agriculture, the number of freemen below the degree of gentry, and who got their livelihood in the mercantile or mechanical way, was very inconsiderable. As to the servants they were chiefly bound by tenure, and those of the lower sort differed very little from slaves.

That this estate of the commonalty is greatly changed, is apparent; and to this alteration many causes in subsequent ages have contributed.

*First*, the oath of fealty, or fidelity, which of old time was administered with great ceremony, became afterwards to be omitted; and though this fealty still remained incident to every socage tenure, yet the omission of the form was not without its consequences; for, as Lord Coke says, speaking of homage, *Prudent antiquity did, for the more solemnity and better memory and observation of that which is to be done, express substances under ceremonies.*

*2ndly*, Whereas in the ancient tenures the principal reservation was of personal services from the inferior tenants, the rent being generally trifling, such as hens, capons, roses, spurs, hawks, &c., afterwards the avarice or necessity of the lords incited them to convert these for the most part into money, which tended greatly to weaken the power of the lord, and to raise the freedom and independency of the tenant.

3*rdly*, The dismembering manors by leases for years, as it flowed from the same sources, so it produced the same effects. These were probably very rare before the reign of Edward I. at which time the statute of Gloucester secured the estate of this tenant.

4*thly*, The estate of the villain or copyhold seems clearly, as I have said, to have originally been holden only at the will of the lord; but the law was afterwards altered, and in the reign of Edward IV. some of the best judges were of opinion, that if the copyholder was unlawfully ejected by his lord, he should have an action of trespass against him at the common law.

From this time the estate of the copyholder (which, as Britton tells us, was formerly a base tenure) began to grow into repute, and, though still distinguished in some privileges from a freehold, became the possession of many opulent and powerful persons.

By these and such like means the commonalty, by degrees, shook off their vassalage, and became more and more independent on their superiors. Even servants, in process of time, acquired a state of freedom and independency, unknown to this rank in any other nation, and which, as the law now stands, is inconsistent with a servile condition.

But nothing hath wrought such an alteration in this order of people, as the introduction of trade. This hath indeed given a new face to the whole nation, hath in a great measure subverted the former state of affairs, and hath almost totally changed the manners, customs, and habits of the people, more especially of the lower sort. The narrowness of their fortune is changed into wealth; the simplicity of their manners into craft; their frugality into luxury; their humility into pride, and their subjection into equality.

The philosopher, perhaps, will think this a bad ex-

change, and may be inclined to cry out with the poet,

> ——— *Sævior armis*
> *Luxuria incubuit.*——
> *Nullum crimen abest, facinusque libidinis, ex quo*
> *Paupertas Romana perit.*

Again,

> *Prima peregrinos obscœna pecunia mores*
> *Intulit, et turpi fregerunt sæcula luxu*
> *Divitiæ molles*——

But the politician finds many emoluments to compensate all the moral evils introduced by trade, by which the grandeur and power of the nation is carried to a pitch that it could never otherwise have reached; arts and sciences are improved, and human life is embellished with every ornament, and furnished with every comfort, which it is capable of tasting.

In all these assertions he is right; but surely he forgets himself a little, when he joins the philosopher in lamenting the introduction of luxury as a casual evil; for as riches are the *certain* consequence of trade, so is luxury the no less *certain* consequence of riches; nay, trade and luxury do indeed support each other; and this latter, in its turn, becomes as useful to trade, as trade had been before to the support of luxury.

To prevent this consequence therefore of a flourishing commerce is totally to change the nature of things, and to separate the effect from the cause. A matter as impossible in the political body as in the natural. Vices and diseases, with like physical necessity, arise from certain habits in both; and to restrain and palliate the evil consequences, is all that lies within the reach of art. How far it is the business of the politician to interfere in the case of luxury, we have attempted to shew in the following treatise.

Now, to conceive that so great a change as this in the people should produce no change in the constitution, is to discover, I think, as great ignorance as would appear in the physician, who should assert, that the whole state of the blood may be entirely altered from poor to rich, from cool to inflamed, without producing any alteration in the constitution of the man.

To put this in the clearest light; there appear to me to be four sorts of political power; that of bodily strength, that of the mind, the power of the purse, and the power of the sword. Under the second of these divisions may be ranged all the art of the legislator and politician, all the power of laws and government. These do constitute the civil power; and a state may then be said to be in good order, when all the other powers are subservient to this; when they own its superior excellence and energy, pay it a ready obedience, and all unite in support of its rule.

But so far are these powers from paying such voluntary submission, that they are all extremely apt to rebel, and to assert their own superiority; but none is more rebellious in its nature, or more difficult to be governed, than that of the purse or money. Self-opinion, arrogance, insolence, and impatience of rule, are its almost inseparable companions.

Now if these assertions are true, what an immense accession of this power hath accrued to the commonalty by the increase of trade; for though the other orders have acquired an addition by the same means, yet this is not in the same proportion, as every reader, who will revolve the proposition but a moment in his own mind, must be satisfied.

And what may we hence conclude? Is that civil power, which was adapted to the government of this order of people in that state in which they were at the

conquest, capable of ruling them in their present situation? Hath this civil power kept equal pace with them in the increase of its force, or hath it not rather, by the remissness of the magistrate, lost much of its ancient energy? Where is now that power of the sheriff, which could formerly awaken and arm a whole county in an instant? where is that *posse comitatûs*, which attended at his beck? What is become of the constitutions of Alfred, which the reader will find set forth at large in the following treatise? what of the ancient conservators of the peace? Have the justices, on whom this whole power devolves, an authority sufficient for the purpose? In some counties, perhaps, you may find an overgrown tyrant, who lords it over his neighbours and tenants with despotic sway, and who is as regardless of the law as he is ignorant of it; but as to the magistrate of a less fortune, and more knowledge, every riotous independent butcher or baker, with two or three thousand pounds in his pocket, laughs at his power, and every petty-fogger makes him tremble.

It is a common and popular complaint, that the justices of peace have already too much power. Indeed, a very little is too much, if it be abused; but, in truth, this complaint proceeds from a mistake of business for power: The business of the justice is indeed multiplied by a great number of statutes; but I know not of any (the riot act perhaps excepted) which hath at all enlarged his power. And what the force of that act is, and how able the magistrate is, by means of the civil power alone, to execute it in any popular commotion, I have myself experienced. But when a mob of chairmen or servants, or a gang of thieves and sharpers, are almost too big for the civil authority to suppress, what must be the case in a seditious tumult, or general riot of the people?

From what hath been said, I may, I think, conclude,

that the constitution of this country is altered from its ancient state.

2*ndly*, That the power of the commonalty hath received an immense addition; and that the civil power having not increased, but decreased, in the same proportion, is not able to govern them.

What may and must be the consequences of this, as well as what remedy can be applied to it, I leave to the consideration of others: I have proceeded far enough already on the subject, to draw sufficient ill-will on myself, from unmeaning or ill-meaning people, who either do not foresee the mischievous tendency of a total relaxation of government, or who have some private wicked purpose to effect from public confusion.

In plain truth, the principal design of this whole work, is to rouse the CIVIL power from its present lethargic state. A design, which alike opposes those wild notions of liberty that are inconsistent with all government, and those pernicious schemes of government which are destructive of true liberty. However contrary indeed these principles may seem to each other, they have both the same common interest; or, rather, the former are the wretched tools of the latter; for anarchy is almost sure to end in some kind of tyranny.

Dr. Middleton, in his life of Cicero, hath a fine observation to my present purpose, with which I will conclude this Preface.

'From the railleries of the Romans (says he) on the '*barbarity and misery of our island*, one cannot help re-'flecting on the surprising fate and revolutions of king-'doms; how Rome, once the mistress of the world, the 'seat of arts, empire, and glory, now lies sunk in sloth, 'ignorance, and poverty; enslaved to the most cruel, as 'well as to the most contemptible of tyrants, *superstition*, 'and *religious imposture*: while this remote country,

'anciently the jest and contempt of *the polite Romans*,
'is become the happy seat of liberty, plenty, and letters;
'flourishing in all the arts and refinements of civil life;
'yet running, perhaps, the same course, which Rome
'itself had run before it; from virtuous industry to
'wealth; from wealth to luxury; from luxury to an
'impatience of discipline and corruption of morals;
'till, by a total degeneracy and loss of virtue, being
'grown ripe for destruction, it falls a prey at last to
'some hardy oppressor, and, with the loss of liberty,
'losing every thing else that is valuable, sinks gradually
'again into its original barbarism.'

AN

# ENQUIRY

INTO THE CAUSES OF

# THE LATE INCREASE OF ROBBERS,

*&c.*

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## INTRODUCTION.

The great increase of robberies within these few years is an evil which to me appears to deserve some attention; and the rather as it seems (though already become so flagrant) not yet to have arrived to that height of which it is capable, and which it is likely to attain; for diseases in the political, as in the natural body, seldom fail going on to their crisis, especially when nourished and encouraged by faults in the constitution. In fact, I make no doubt, but that the streets of this town, and the roads leading to it, will shortly be impassable without the utmost hazard; nor are we threatened with seeing less dangerous gangs of rogues among us, than those which the Italians call the Banditti.

Should this ever happen to be the case, we shall have sufficient reason to lament that remissness by which this evil was suffered to grow to so great a height. All distempers, if I may once more resume the allusion, the sooner they are opposed, admit of the easier and the safer cure. The great difficulty of extirpating desperate gangs of robbers, when once collected into a body,

appears from our own history in former times. France hath given us a later example in the long reign of Cartouche, and his banditti; and this under an absolute monarchy, which affords much more speedy and efficacious remedies against these political disorders, than can be administered in a free state, whose forms of correction are extremely slow and uncertain, and whose punishments are the mildest and the most void of terror of any other in the known world.

For my own part, I cannot help regarding these depredations in a most serious light; nor can I help wondering that a nation so jealous of her liberties, that from the slightest cause, and often without any cause at all, we are always murmuring at our superiors, should tamely and quietly support the invasion of her properties by a few of the lowest and vilest among us: doth not this situation in reality level us with the most enslaved countries? If I am to be assaulted, and pillaged, and plundered; if I can neither sleep in my own house nor walk the streets, nor travel in safety; is not my condition almost equally bad whether a licensed or unlicensed rogue, a dragoon or a robber, be the person who assaults and plunders me? The only difference which I can perceive is, that the latter evil appears to be more easy to remove.

If this be, as I clearly think it is, the case, surely there are few matters of more general concern than to put an immediate end to these outrages, which are already become so notorious, and which, as I have observed, seem to threaten us with such a dangerous increase. What indeed may not the public apprehend, when they are informed as an unquestionable fact, that there are at this time a great gang of rogues, whose number falls little short of a hundred, who are incorporated in one body, have officers and a treasury, and

have reduced theft and robbery into a regular system. There are of this society men who appear in all disguises, and mix in most companies. Nor are they better versed in every art of cheating, thieving, and robbing, than they are armed with every method of evading the law, if they should ever be discovered, and an attempt made to bring them to justice. Here, if they fail in rescuing the prisoner, or (which seldom happens) in bribing or deterring the prosecutor, they have for their last resource some rotten members of the law to forge a defence for them, and a great number of false witnesses ready to support it.

Having seen the most convincing proofs of all this, I cannot help thinking it high time to put some stop to the farther progress of such impudent and audacious insults, not only on the properties of the subject, but on the national justice, and on the laws themselves. The means of accomplishing this (the best which suggest themselves to me) I shall submit to the public consideration, after having first enquired into the causes of the present growth of this evil, and whence we have great reason to apprehend its farther increase. Some of these, I am too well versed in the affairs of this world to expect to see removed; but there are others, which, without being over sanguine, we may hope to remedy; and thus perhaps one ill consequence, at least, of the more stubborn political diseases may cease.

## SECTION I.

*Of too frequent and expensive diversions among the lower kind of people.*

First then, I think, that the vast torrent of luxury, which of late years hath poured itself into this nation, hath greatly contributed to produce, among many others, the mischief I here complain of. I am not here to satirize the great, among whom luxury is probably rather a moral than a political evil. But vices no more than diseases will stop with them; for bad habits are as infectious by example, as the plague itself by contact. In free countries, at least, it is a branch of liberty claimed by the people to be as wicked and as profligate as their superiors. Thus while the nobleman will emulate the grandeur of a prince, and the gentleman will aspire to the proper state of the nobleman, the tradesman steps from behind his counter into the vacant place of the gentleman. Nor doth the confusion end here; it reaches the very dregs of the people, who aspiring still to a degree beyond that which belongs to them, and not being able by the fruits of honest labour to support the state which they affect, they disdain the wages to which their industry would entitle them; and abandoning themselves to idleness, the more simple and poor-spirited betake themselves to a state of starving and beggary, while those of more art and courage become thieves, sharpers, and robbers.

Could luxury be confined to the palaces of the great, the society would not, perhaps, be much affected with it; at least, the mischiefs, which I am now intending to obviate, can never be the consequence. For though,

perhaps, there is not more of real virtue in the higher state, yet the sense of honour is there more general and prevalent. But there is a much stronger reason. The means bear no probable proportion to the end; for the loss of thousands, or of a great estate, is not to be relieved or supplied by any means of common theft or robbery.—With regard to such evils, therefore, the legislature might be justified in leaving the punishment as well as the pernicious consequence, to end in the misery, distress, and sometimes utter ruin of a private family. But when this vice descends downward to the tradesman, the mechanic, and the labourer, it is certain to engender many political mischiefs, and among the rest it is most evidently the parent of theft and robbery, to which not only the motive of want but of shame conduces; for there is no greater degree of shame than the tradesman generally feels at the first inability to make his regular payments; nor is there any difficulty which he would not undergo to avoid it. Here then the highway promises, and hath, I doubt not, often given relief. Nay, I remember very lately a highwayman who confessed several robberies before me, his motive to which, he assured me (and so it appeared), was to pay a bill that was shortly to become due. In this case, therefore, the public becomes interested, and consequently the legislature is obliged to interpose.

To give a final blow to luxury by any general prohibition, if it would be advisable, is by no means possible. To say the truth, bad habits in the body politic, especially if of any duration, are seldom to be wholly eradicated. Palliatives alone are to be applied; and these too in a free constitution must be of the gentlest kind, and as much as possible adapted to the taste and genius of the people.

The gentlest method which I know, and at the same

time perhaps one of the most effectual, of stopping the progress of vice, is by removing the temptation. Now the two great motives to luxury, in the mind of men, are vanity and voluptuousness. The former of these operates but little in this regard with the lower order of people. I do not mean that they have less of this passion than their betters; but the apparent impossibility of gratifying it this way deters them, and diverts at least this passion into another channel; for we find it puts them rather on vying with each other in the reputation of wealth, than in the outward appearance of show and grandeur. Voluptuousness, or the love of pleasure, is that alone which leads them into luxury. Here then the temptation is with all possible care to be withdrawn from them.

Now what greater temptation can there be to voluptuousness, than a place where every sense and appetite of which it is compounded, are fed and delighted; where the eyes are feasted with show, and the ears with music, and where gluttony and drunkenness are allured by every kind of dainty; nay, where the finest women are exposed to view, and where the meanest person who can dress himself clean, may in some degree mix with his betters, and thus perhaps satisfy his vanity as well as his love of pleasure?

It may possibly be said that these diversions are cheap: I answer, that is one objection I have to them; was the price as high as that of a ridotto, or an opera, it would, like these diversions, be confined to the higher people only; besides, the cheapness is really a delusion. Unthinking men are often deceived into expence, as I once knew an honest gentleman, who carried his wife and two daughters to a masquerade, being told that he could have four tickets for four guineas; but found afterwards, that in dresses, masques, chairs, &c., the night's enter-

tainment cost him almost twelve. I am convinced that many thousands of honest tradesmen have found their expences exceed their computation in a much greater proportion. And the sum of seven or eight shillings (which is a very moderate allowance for the entertainment of the smallest family) repeated once or twice a week through a summer, will make too large a deduction from the reasonable profits of any low mechanic.

Besides the actual expence in attending these places of pleasure, the loss of time, and neglect of business, are consequences which the inferior tradesman can by no means support. To be born for no other purpose than to consume the fruits of the earth is the privilege (if it may be really called a privilege) of very few. The greater part of mankind must sweat hard to produce them, or society will no longer answer the purposes for which it was ordained. *Six days shalt thou labour*, was the positive command of God in his own republic. A severity, however, which the divine wisdom was pleased somewhat to relax; and appointed certain times of rest and recreation for his people. Such were the feasts of the unleavened bread, the feast of the weeks, and the feast of the tabernacles. On which occasions it is written, *Thou shalt rejoice before the Lord thy God, thou, and thy son, and thy daughter, and thy servant, and thy maid, and the Levite that is within thy gates, and the stranger, and the fatherless, and the widow.**

All other nations have imitated this divine institution. It is true, among the Greeks, arising from the nature of their superstition, there were many festivals; yet scarce any of these were universal, and few attended with any other than religious ceremonies.† The Roman calendar

* Exod. chap. xxxiv. Deut. chap. xvi.

† The gods, says Plato, pitying the laborious condition to which men were born, appointed holy rites to themselves, as seasons of rest to men:

is thinner strewed with these seasons of idleness. Indeed there seems to have been one only kind of universal sport and revelling amongst them, which they called the *Saturnalia*, when much too great indulgence was given to all kinds of licentiousness. Public scenes of rendezvous they had none. As to the Grecian women, it is well known they were almost entirely confined to their own houses; where the very entertainment of their finest ladies was only works of the finer sort. And the Romans by the Orchian law, which was made among many others for the suppression of luxury, and was published in the third year from Cato's censorship, thought proper to limit the number of persons who were to assemble even at any private feast.* Nay, the exhibitions of the theatre were suffered only at particular seasons, and on holidays.

Nor are our own laws silent on this head, with regard at least to the lowest sort of people, whose diversions have been confined to certain stated times. Mr. Pulton,† speaking of those games and assemblies of the people which are lawful, says, that they are lawful at certain places and seasons of the year, allowed by old and ancient customs. The statute of Henry VIII.‡ goes farther, and expressly enacts, that no manner of artificer or craftsman, of any handicraft or occupation, husbandman, apprentice, &c., shall play at the tables, tennis, dice, cards, bowls, &c., out of Christmas, under the penalty of 20*s*.

Thus we find that by divine as well as human institution, as well by our own laws as those of other countries, the diversions of the people have been limited and re-

and gave them the Muses, with Apollo their leader, and Bacchus, to assist in the celebrations, &c. De Leg. l. ii. p. 787. edit. Ficini.

* Macrob. Saturnal. lib. ii. c. xiii. Note, This Riot Act passed in one of the freest ages of the Roman republic.

† De Pace, fol. 25. ‡ 33 Hen. VIII. c. ix.

strained to certain seasons; under which limitations, Seneca calls these diversions the necessary temperament of labour. 'Some remission,' says he, 'must be given to 'our minds, which will spring up the better, and more 'brisk from rest. It is with the mind as with a fruitful 'field, whose fertility will be exhausted if we give it no 'intermission. The same will accrue to the mind by 'incessant labours, whereas both from gentle remission 'will acquire strength. From constant labour arises a 'certain dulness and languor of the spirits; nor would 'men with such eagerness affect them, if sport or merri-'ment had not a certain natural sweetness inherent in 'themselves; the frequent use of which however will 'destroy all gravity and force in our minds. Sleep is 'necessary to our refreshment, but if this be continued 'night and day, it will become death. There is a great 'difference between the remission of any thing and its 'dissolution. Lawgivers, therefore, instituted certain 'holidays, that the people might be compelled by law 'to merriment, interposing this as a necessary tempera-'ment to their labours.'*

Thus the Greek and Latin philosophers, though they derive the institution differently, the one alleging a divine and the other a human original, both agree that a necessary relaxation from labour was the only end for which diversion was invented and allowed to the people. This institution, as the former of these great writers tells us, was grossly perverted even in his time; but surely neither then, nor in any age or nation, until now, was this perversion carried to so scandalous an excess as it is at present in this kingdom, and especially in and near the metropolis, where the places of pleasure are almost become numberless; for, besides those great scenes of

* Sen. De Tranquill. Animi, p. 167. edit. Lips.

rendezvous, where the nobleman and his tailor, the lady of quality and her tirewoman, meet together and form one common assembly, what an immense variety of places have this town and its neighbourhood set apart for the amusement of the lowest order of the people; and where the master of the house, or wells, or garden, may be said to angle only in the kennels, where, baiting with the vilest materials, he catches only the thoughtless and tasteless rabble; these are carried on, not on a single day, or in a single week; but all of them during half, and some during the whole year.

If the computation was made of the money expended in these temples of idleness by the artificer, the handicraft, the apprentice, and even the common labourer, the sum would appear excessive; but without putting myself to that trouble, I believe the reader will permit me to conclude that it is much greater than such persons can or ought to afford; especially as idleness, its necessary attendant, adds greatly to the debtor's side in the account; and that the necessary consequence must be ruin to many, who, from being useful members of the society, will become a heavy burden or absolute nuisance to the public. It being indeed a certain method to fill the streets with beggars, and the gaols with debtors and thieves.

That this branch of luxury hath grown to its present height, is owing partly to a defect in the laws; and this defect may, with great decency and respect to the legislature, be very truly imputed to the recency of the evil; for as our ancestors knew it not, they may be well excused for not having foreseen and guarded against it. If therefore it should seem now necessary to be retrenched, a new law will, I apprehend, be necessary for that purpose; the powers of the magistrate being scarce extensive enough, under any provision extant, to destroy

a hydra now become so pregnant and dangerous. And it would be too dangerous as well as too invidious a task to oppose the mad humours of the populace, by the force of any doubtful obsolete law; which, as I have hinted before, could not have been directly levelled at a vice, which did not exist at the time when the law was made.

But while I am recommending some restraint of this branch of luxury, which surely appears to be necessary, I would be understood to aim at the retrenchment only, not at the extirpation of diversion; nay, and in this restraint, I confine myself entirely to the lower order of people. Pleasure always hath been, and always will be, the principal business of persons of fashion and fortune, and more especially of the ladies, for whom I have infinitely too great an honour and respect to rob them of any their least amusement. Let them have their plays, operas, and oratorios, their masquerades and ridottos; their assemblies, drums, routs, riots, and hurricanes; their Ranelagh and Vauxhall; their Bath, Tunbridge, Bristol, Scarborough, and Cheltenham; and let them have their beaus and danglers to attend them at all these; it is the only use for which such beaus are fit; and I have seen, in the course of my life, that it is the only one to which, by sensible women, they are applied.

In diversions, as in many other particulars, the upper part of life is distinguished from the lower. Let the great therefore answer for the employment of their time to themselves, or to their spiritual governors. The society will receive some temporal advantage from their luxury. The more toys which children of all ages consume, the brisker will be the circulation of money, and the greater the increase of trade.

The business of the politician is only to prevent the

contagion from spreading to the useful part of mankind, the ΕΠΙΠΟΝΟΝ ΠΕΦΥΚΟΣ ΓΕΝΟΣ;* and this is the business of persons of fashion and fortune too, in order that the labour and industry of the rest may administer to their pleasures, and furnish them with the means of luxury. To the upper part of mankind time is an enemy, and (as they themselves often confess) their chief labour is to kill it; whereas, with the others, time and money are almost synonymous; and as they have very little of each to spare, it becomes the legislature, as much as possible, to suppress all temptations whereby they may be induced too profusely to squander either the one or the other; since all such profusion must be repaired at the cost of the public.

Such places of pleasure, therefore, as are totally set apart for the use of the great world, I meddle not with. And though Ranelagh and Vauxhall, by reason of their price, are not entirely appropriated to the people of fashion, yet they are seldom frequented by any below the middle rank; and a strict regard to decency is preserved in them both. But surely two such places are sufficient to contain all those who have any title to spend their time in this idle, though otherwise innocent way. Nor should such a fashion be allowed to spread into every village in London, and by degrees all over the kingdom; by which means, not only idleness, but all kinds of immorality, will be encouraged.

I cannot dismiss this head, without mentioning a notorious nuisance which hath lately arisen in this town; I mean, those balls where men and women of loose reputation meet in disguised habits. As to the masquerade in the Haymarket, I have nothing to say; I think really it is a silly rather than a vicious enter-

* Plato.

tainment; but the case is very different with these inferior masquerades; for these are indeed no other than the temples of drunkenness, lewdness, and all kind of debauchery.

## SECTION II.

### *Of drunkenness, a second consequence of luxury among the vulgar.*

But the expence of money, and loss of time, with their certain consequences, are not the only evils which attend the luxury of the vulgar; drunkenness is almost inseparably annexed to the pleasures of such people. A vice by no means to be construed as a spiritual offence alone, since so many temporal mischiefs arise from it; amongst which are very frequently robbery and murder itself.

I do not know a more excellent institution than that of Pittacus, mentioned by Aristotle in his Politics;* by which a blow given by a drunken man, was more severely punished than if it had been given by one that was sober; *for Pittacus*, says Aristotle, *considered the utility of the public* (*as drunken men are more apt to strike*) *and not the excuse, which might otherwise be allowed to their drunkenness.* And so far both the civil law and our own have followed this institution, that neither have admitted drunkenness to be an excuse for any crime.

This odious vice (indeed the parent of all others), as history informs us, was first introduced into this kingdom

* L. ii. c. x.

by the Danes, and with very mischievous effects. Wherefore that excellent prince Edgar the Peaceable, when he set about reforming the manners of his people, applied himself very particularly to the remedy of this great evil, and ordered silver or gold pins to be fixed to the sides of their pots and cups, beyond which it was not lawful for any person to drink.*

What penalty was affixed to the breach of this institution I know not; nor do I find any punishment in our books for the crime of drunkenness, till the time of Jac. I. in the fourth year of whose reign it was enacted, 'That every person lawfully convicted of drunkenness, 'shall, for every such offence, forfeit the sum of five 'shillings, to be paid within a week next after his, her, 'or their conviction, to the hands of the churchwardens 'of the parish where, &c., to the use of the poor. In 'default of payment, the sum to be levied by distress, 'and, in default of distress, the offender is to be com-'mitted to the stocks, there to remain for the space of 'six hours.†'

For the second offence they are to be bound to their good behaviour, with two sureties, in a recognizance of ten pounds.‡

Nor is only that degree of drunkenness forbidden, which Mr. Dalton describes, 'so as to stagger and reel to 'and fro, and where the same legs which carry him into 'a house, cannot carry him out again,' § for, by the same act of parliament, all persons who continue drinking or tippling in any inn, victualling-house, or alehouse, in their own city, town or parish (unless such as, being invited by a traveller, shall accompany him during his necessary abode there; or except labouring and

* Eachard, p. 88.
† Jac. I. chap. v.
‡ Jac. I. chap. v. sect. 6.
§ Dalt. chap. vii. sect. 5.

handicraftsmen in cities, and corporate and market towns, upon a working-day, for an hour at dinner-time, in alehouses where they take their diet; and except labourers and workmen, who, during their continuance in any work, shall lodge or victual in any inn, &c., or except for some urgent and necessary occasion, to be allowed by two justices of the peace) shall forfeit the sum of three shillings and sixpence, for the use of the poor; to be levied as before, and, for want of distress, to be put in the stocks for four hours.*

This act hath been still farther enforced by another in the same reign. † By the latter act, the tippler is liable, whether his habitation be within the same or any other parish. 2*ndly*, The proof by one witness is made sufficient; and, 3*rdly*, A very extraordinary clause is added, by which the oath of the party offending, after having confessed his own crime, is made evidence against any other offender, though at the same time.

Thus we see the legislature have taken the utmost care not only to punish, but even to prevent this vice of drunkenness, which the preamble of one of the foregoing statutes calls a *loathsome* and *odious sin*, and the root and foundation of many other enormous sins, as murder, &c. Nor doth the wisdom of our law stop here. Our cautious ancestors have endeavoured to remove the temptation, and, in a great measure, to take away from the people their very power of offending this way. And this by going to the fountain-head, and endeavouring to regulate and restrain the scenes of these disorders, and to confine them to those uses for which they were at first designed; namely, for the rest, refreshment, and convenience of travellers.

* Jac. I. chap. iv. sect. 4 & 1. Jac. I. chap. ix.

† 21 Jac. I. chap. vii.

A cursory view of the statutes on this head will demonstrate of what consequence to society the suppression of this vice was in the opinion of our ancestors.

By the common law, inns and alehouses might be kept *ad libitum;* but if any disorders were suffered in them, they were indictable as a common nuisance.

The first reform which I find to have been made by parliament, was in the reign of Henry VII.,* when two justices were empowered to suppress an alehouse.

The statute of Edward VI.† is the first which requires a precedent licence. By this act no man can keep an alehouse, without being licensed by the sessions, or by two justices; but now, by a late statute, all licences granted by justices out of their sessions are void.‡

By the statute of Charles I.,§ which alters the penalties of that of Edward VI., the punishment for keeping an alehouse, or common selling ale, beer, cyder, and perry, without a licence, is to pay twenty shillings to the use of the poor, to be levied by distress; which, if satisfaction be not made within three days, is to be sold. And if there be no goods whereon to restrain, and the money be not paid within six days after conviction, the offender is to be delivered to the constable, or some inferior officer, to be whipped. For the second offence, he is to be committed to the house of correction for a month; and for the third, he is to be committed to the said house, till, by order of the justices, at their general sessions, he be discharged.

The conviction is to be on the view of the justice, confession of the party, or by the oath of two witnesses.

And by this statute, if the constable or officer to whom the party is committed to be whipped, &c., do not execute

* 11. Hen. VII.
† 5 Edw. vi. c. xxv.
‡ 2 G. II. c. xxviii. sect. 11.
§ 3 Car. I. cap. iv.

his warrant, the justice shall commit him to prison, there to remain till he shall procure some one to execute the said warrant, or until he shall pay forty shillings to the use of the poor.

The justices, at the time of granting the licence, shall take a recognizance from the party, not to suffer any unlawful games, nor other disorders, in his house; which is to be certified to the sessions, and the justices there have a power to proceed for the forfeiture.*

By the statute of Jac. I.,† alehouse-keepers, who suffer townsmen to sit tippling, unless in the cases above-mentioned,‡ forfeit ten shillings to the poor; the distress to be sold within six days; and if no distress can be had, the party is to be committed till the forfeiture is paid.

Vintners who keep inns or victualling-houses are within this act.§

And by two several statutes,‖ alehouse-keepers, convicted of this offence, are prohibited from keeping an alehouse for the space of three years.

Justices of peace likewise, for any disorders committed in alehouses contrary to the condition of the recognizance, may suppress such houses;¶ but then the proceeding must be on the recognizance, and the breach of the condition proved.**

Now, on the concise view of these several laws, it appears, that the legislature have been abundantly careful on this head; and that the only blame lies on the remissness with which these wholesome provisions have been executed.

But though I will not undertake to defend the magis-

* 5 E. VI. ubi sup.

† Cap. ix. ubi sup.

‡ Supra, p. 14. in the case of Tipplers.

§ 1 Car. I. cap. iv.

‖ 7 Jac. I. cap. x. 21 Jac. I. cap. vii.

¶ 5 E. VI. ubi sup.

** Salk. 45.

trates of former times, who have surely been guilty of some neglect of their duty; yet, on behalf of the present commissioners of the peace, I must observe, their case is very different. What physicians tell us of the animal functions will hold true when applied to laws; both by long disuse lose all their elasticity and force. Froward habits grow on men, as they do on children, by long indulgence: nor will either submit easily to correction in matters where they have been accustomed to act at their pleasure. They are very different offices to execute a new or a well known law and to revive one which is obsolete. In the case of a known law, custom brings men to submission; and in all new provisions the ill-will, if any, is levelled at the legislature, who are much more able to support it than a few or a single magistrate. If therefore it be thought proper to suppress this vice, the legislature must once more take the matter into their hands; and to this perhaps they will be the more inclined when it comes to their knowledge, that a new kind of drunkenness, unknown to our ancestors, is lately sprung up amongst us, and which, if not put a stop to, will infallibly destroy a great part of the inferior people.

The drunkenness I here intend is that acquired by the strongest intoxicating liquors, and particularly by that poison called *Gin;* which I have great reason to think is the principal sustenance (if it may be so called) of more than an hundred thousand people in this metropolis. Many of these wretches there are who swallow pints of this poison within the twenty-four hours; the dreadful effects of which I have the misfortune every day to see, and to smell too. But I have no need to insist on my own credit, or on that of my informers; the great revenue arising from the tax on this liquor (the consumption of which is almost wholly confined to the lowest order of

people) will prove the quantity consumed better than any other evidence.

Now, besides the moral ill consequences occasioned by this drunkenness, with which, in this treatise, I profess not to deal; how greatly must this be supposed to contribute to those political mischiefs which this essay proposes to remedy? This will appear from considering, that however cheap this vile potion may be, the poorer sort will not easily be able to supply themselves with the quantities they desire; for the intoxicating draught itself disqualifies them from using any honest means to acquire it, at the same time that it removes all sense of fear and shame, and emboldens them to commit every wicked and desperate enterprize. Many instances of this I see daily wretches are often brought before me, charged with theft and robbery, whom I am forced to confine before they are in a condition to be examined; and when they have afterwards become sober, I have plainly perceived, from the state of the case, that the *Gin* alone was the cause of the transgression, and have been sometimes sorry that I was obliged to commit them to prison.

But beyond all this there is a political ill consequence of this drunkenness, which, though it doth not strictly fall within my present purpose, I shall be excused for mentioning, it being indeed the greatest evil of all, and which must, I think, awaken our legislature to put a final period to so destructive a practice. And this is that dreadful consequence which must attend the poisonous quality of this pernicious liquor to the health, the strength, and the very being of numbers of his majesty's most useful subjects. I have not enough of physical knowledge to display the ill effects which such poisonous liquors produce in the constitution; for these I shall refer the reader to *The physical Account of the Nature of all distilled Spirituous Liquors, and the Effect*

*they have on Human Bodies.** And though, perhaps, the consequence of this poison, as it operates slowly, may not so visibly appear in the diminution of the strength, health, and lives, of the present generation; yet let a man cast his eyes but a moment towards our posterity, and there the dreadful consequences must strike on the meanest capacity, and must alarm, I think, the most sluggish degree of public spirit. What must become of the infant who is conceived in *Gin?* with the poisonous distillations of which it is nourished both in the womb and at the breast. Are these wretched infants (if such can be supposed capable of arriving at the age of maturity) to become our future sailors, and our future grenadiers? Is it by the labour of such as these that all the emoluments of peace are to be procured us, and all the dangers of war averted from us? What could an Edward or an Henry, a Marlborough or a Cumberland, effect with an army of such wretches? Doth not this polluted source, instead of producing servants for the husbandman or artificer, instead of providing recruits for the sea or the field, promise only to fill almshouses and hospitals, and to infect the streets with stench and diseases?

In solemn truth, there is nothing of more serious consideration, nor which more loudly calls for a remedy, than the evil now complained against. For what can be more worthy the care of the legislature, than to preserve the morals, the innocence, the health, strength, and lives, of a great part (I will repeat, the most useful part) of the people? So far am I, in my own opinion, from representing this in too serious or too strong a light, that I can find no words, or metaphor, adequate

* This was composed by a very learned divine, with the assistance of several physicians, and published in the year 1736. The title is, *Distilled Spirituous Liquors the Bane of the Nation.*

to my ideas on this subject. The first inventor of this diabolical liquor may be compared to the poisoner of a fountain, whence a large city was to derive its waters, the highest crime, as it hath been thought, of which human nature is capable. A degree of villany, indeed, of which I cannot recollect any example; but surely if such was ever practised, the governors of that city could not be thought blameless, did they not endeavour, to the utmost, to withhold the citizens from drinking the poisonous draught; and, if such a general thirst after it prevailed as we are told possessed the people of Athens at the time of the plague,* what could justify the not effectually cutting off all aqueducts by which the poison was dispersed among the people?

Nor will any thing less than absolute deletion serve on the present occasion. It is not making men pay 50*l.* or 500*l.* for a licence to poison; nor enlarging the quantity from two gallons to ten, which will extirpate so stubborn an evil. Here may, perhaps, be no little difficulty. To lay the axe to the still-head, and prohibit all distillery in general, would destroy the chymist. If distilling this or that spirit was forbidden, we know how easily all partial prohibitions are evaded; nay, the chymist (was the matter confined to him) would soon probably become a common distiller, and his shop no better than a gin-shop; since what is more common than for men to adopt the morals of a thief at a fire, and to work their own private emolument out of a public mischief. Suppose all spirituous liquors were, together with other poison, to be locked up in the chymists' or apothecaries' shops, thence never to be drawn, till some excellent physicians call them forth

* Ἔδρασαν ἐς φρέατα ἀπαύστω τῇ δίψῃ ξυνεχόμενοι. They ran into the wells, being constantly possessed by an inexhausted thirst. Thucydid. p. 112. edit. Hudsoni.

for the cure of nervous distempers; or suppose the price was to be raised so high, by a severe impost, that gin would be placed entirely beyond the reach of the vulgar! or perhaps the wisdom of the legislature may devise a better and more effectual way.

But if the difficulty be really insuperable, or if there be any political reason against the total demolition of this poison, so strong as to countervail the preservation of the morals, health, and beings, of such numbers of his majesty's subjects, let us, however, in some measure, palliate the evil, and lessen its immediate ill consequences, by a more effectual provision against drunkenness than any we have at present, in which the method of conviction is too tedious and dilatory. Some little care on this head is surely necessary; for, though the increase of thieves, and the destruction of morality, though the loss of our labourers, our sailors, and our soldiers, should not be sufficient reasons, there is one which seems to be unanswerable, and that is, the loss of our gin-drinkers; since, should the drinking this poison be continued in its present height during the next twenty years, there will, by that time, be very few of the common people left to drink it.

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## SECTION III.

*Of gaming among the vulgar; a third consequence of their luxury.*

I COME now to the last great evil which arises from the luxury of the vulgar; and this is gaming; a school in

which most highwaymen of great eminence have been bred. This vice is the more dangerous as it is deceitful, and, contrary to every other species of luxury, flatters its votaries with the hopes of increasing their wealth; so that avarice itself is so far from securing us against its temptations, that it often betrays the more thoughtless and giddy part of mankind into them; promising riches without bounds, and those to be acquired by the most sudden as well as easy and indeed pleasant means.

And here I must again remind the reader, that I have only the inferior part of mankind under my consideration. I am not so ill-bred as to disturb the company at a polite assembly; nor so ignorant of our constitution as to imagine that there is a sufficient energy in the executive part to control the œconomy of the great, who are beyond the reach of any, unless capital laws. Fashion, under whose guidance they are, and which created the evil, can alone cure it. With patience therefore must we wait, till this notable mistress of the few shall, in her good time, accomplish so desirable a change; in fact, till great men become wiser or better; till the prevalence of some laudable taste shall teach them a worthier manner of employing their time; till they have sense enough to be reasoned, modesty enough to be laughed, or conscience enough to be frightened, out of a silly, a shameful, and a sinful profligacy, attended with horrid waste of time, and the cruel destruction of the families of others, or of their own.

In the mean time we may, I think, reasonably desire of these great personages, that they would keep their favourite vice to themselves, and not suffer others, whose birth or fortune gives them no title to be above the terror of the laws, or the censure of their betters, to share with them in this privilege. Surely we may give great men the same advice which Archer, in the play, gives to the

officers of the army; *To kick out all —— in red but their own.* What temptations can gamesters of fashion have to admit *inferior* sharpers into their society; common-sense surely will not suffer a man to risk a fortune against one who hath none of his own to stake against it.

I am well apprised that this is not much the case with persons of the first figure; but to gentlemen (and especially the younger sort) of the second degree these fellows have found much too easy an access. Particularly at the several public places (I might have said gaming places) in this kingdom, too little care is taken to prevent the promiscuous union of company; and sharpers of the lowest kind have frequently there found admission to their superiors, upon no other pretence or merit than that of a laced coat, and with no other stock than that of assurance.

Some few of these fellows, by luckily falling in with an egregious bubble, some thoughtless young heir, or more commonly heiress, have succeeded in a manner which, if it may give some encouragement to others to imitate them, should, at the same time, as strongly admonish all gentlemen and ladies to be cautious with whom they mix in public places, and to avoid the sharper as they would a pest. But much the greater part of such adventurers have met with a more probable and more deserved fate; and having exhausted their little fund in their attempts, have been reduced to a dilemma, in which it required more judgment and resolution than are the property of many men, and more true sense of honour than belongs to any debauched mind, to extricate themselves by honest means. The only means, indeed, of this kind, are to quit their assumed station, and to return to that calling, however mean and laborious, to which they were born and bred.

But, besides that the way to this is often obstructed

with almost insuperable difficulties; and false shame, at its very entrance, dashes them in the face, how easily are they dissuaded from such disagreeable thoughts by the temptations with which fortune allures them, of a possibility, at least, of still supporting their false appearances, and of retrieving all their former hopes! how greedily, may we imagine, this enchanting alternative will be embraced by every bold mind, in such circumstances! for what but the danger of the undertaking can deter one, who hath nothing of a gentleman but his dress, to attain which he hath already divested himself of all sense of honesty? how easy is the transition from fraud to force! from a gamester to a rogue! perhaps, indeed, it is civil to suppose it any transition at all.

From this source, therefore, several of our most notable highwaymen have proceeded; and this hath likewise been the source of many other depredations on the honest part of mankind. So mischievous have been this kind of sharpers in society, that they have fallen under the particular notice of the legislature; for a statute in the reign of Queen Anne, reciting, 'That divers lewd and 'dissolute persons live at great expences, having no 'visible estate, profession, or calling, to maintain themselves, but support those expences by gaming only;' enacts, 'That any two justices of the peace may cause 'to be brought before them all persons within their 'respective limits, whom they shall have just cause 'to suspect to have no visible estate, profession, or calling, to maintain themselves by, but do, for the most 'part, support themselves by gaming; and if such persons 'shall not make the contrary appear to such justices, 'they are to be bound to their good behaviour for a 'twelvemonth; and, in default of sufficient security, to 'be committed till they can find such security; which 'security (in case they give it) is to be forfeited on their

'playing or betting at any one time for more than the 'value of 20*s*.' *

As to gaming in the lower classes of life, so plainly tending to the ruin of tradesmen, the destruction of youth, and to the multiplication of every kind of fraud and violence, the legislature hath provided very wholesome laws.†

By the 33rd of Henry VIII. 'Every artificer, crafts-'man of any handicraft or occupation, husbandman, 'labourer, servant at husbandry, journeyman or servant 'of artificer, mariners, fishermen, watermen, or any 'serving men, are prohibited from playing at tables, 'dice, cards, &c. out of Christmas, and in Christmas 'are permitted to play only in their masters' houses, 'or in his presence, under the penalty of 20*s*. And 'all manner of persons are prohibited from playing at 'any bowl or bowls, in any open place out of their 'garden or orchard, under the penalty of 6*s*. 8*d*.

* 9 Annæ, chap. xiv. sect. 6, 7. It would be of great service to the public to extend this statute to idle persons and sharpers in general; for many support themselves by frauds, by cheating practices, even worse than gaming; and have the impudence to appear in the dress of gentlemen, and at public places, without having any pretensions of birth and fortune, or without any honest or visible means of livelihood whatever. Such a law would not be without a precedent; for such is the excellent institution mentioned by Herodotus, in his Euterpe,—'Amasis' (says that historian) 'established a law in Egypt, that every Egyptian should 'annually declare before the governor of the province by what means he 'maintained himself; and all those who did not appear, or who could not 'prove that they had some lawful livelihood, were punished by death. 'This law Solon introduced into Athens, where it was long inviolably pre-'served as a most just and equitable provision.' Herod. edit. Hudsoni, p. 158. This punishment is surely too severe; but the law under a milder penalty is well worthy to be adopted.

† By a statute made in the reign of Edward IV. now repealed, playing at several games therein mentioned was punished by two years imprisonment, and the forfeiture of 10*l*., and the master of the house was to be imprisoned for three years, and to forfeit 20*l*. A great sum in those days.

'The conviction to be by action, information, bill, or 'otherwise, in any of the king's courts; one half of the 'penalty to the informer.

'Provided that servants may play at any times with 'their masters, or by their licence; and all persons who 'have 100*l.* *per annum*, freehold, may give their ser- 'vants, or others, resorting to their houses, a licence to 'play within the precinct of their houses, gardens, or 'orchard.'

By this statute likewise, 'No person whatever, by 'himself, factor, deputy, servant, or other person, shall, 'for gain, keep, &c. any common, house, alley, or place 'of bowling, coyting, clash-coyls, half-bowl, tennis, 'dicing-table, or carding, or any other manner of game, 'prohibited by any statute heretofore made, or any un- 'lawful game invented or made, or any other new 'unlawful game hereafter to be invented or made; the 'penalty is 40*s.* *per* day, for keeping the house, &c., 'and 6*s.* 8*d.* for every person haunting and playing at 'such house. These penalties to be recovered, &c. as 'above.

'And all leases of gaming-houses, alleys, &c. are made 'void at the election of the lessee.'

Farther, by the said statute, 'Power is given to all 'justices of peace, mayors, or other head-officers, in every 'city, &c. to enter suspected houses and places, and to 'commit the keepers of the said houses, and the persons 'there haunting, resorting, and playing, to prison; and 'to keep them in prison, till the keepers have found 'sureties to enter into a recognizance to the king's use, 'no longer to keep such house, &c. and the persons 'there found to be bound by themselves, or with sure- 'ties, &c. at the discretion of the justice, &c. no more 'to haunt the said places, or play at any of the said 'games.'

And now, by the statute of George II. this last clause is enforced, by giving the justice the same power on the information of two persons, as he had before on view; and, by a more explicit power, to take sureties or not of the party at his discretion.

Lastly, the statute of Henry VIII. enjoins the justices, &c. to make due search weekly, or once *per* month at the farthest, under the penalty of forfeiting 40*s.* for every month during their neglect.

Thus stands the law; by which it may appear, that the magistrate is armed with sufficient authority to destroy all gaming among the inferior people; and that, without his neglect or connivance, no such nuisance can possibly exist.

And yet, perhaps, the fault may not so totally lie at his door; for the recognizance is a mere bugbear, unless the party who breaks it should be sued thereon; which, as it is attended with great expence, is never done; so that, though many have forfeited it, not a single example of an estreat hath been made within my remembrance.

Again, it were to be wished, that the statute of George II. had required no more than one witness to the information; for even one witness, as I have found by experience, is very difficult to be procured.

However, as the law now is, seeing that the general bent of the people opposes itself to this vice, it is certainly in a great measure within the magistrate's power to suppress it, and so to harass such as propose to find their account in it, that these would soon be discouraged from the undertaking; nor can I conclude without observing, that this hath been lately executed with great vigour within the liberty of Westminster.

There are, besides, several other provisions in our statute books against this destructive vice. By the

statute of Queen Anne* whoever cheats at play forfeits five times the sum won by such cheating, shall be deemed infamous, and suffer such corporal punishment as in case of perjury. And whoever wins above 10*l.* at any one sitting shall likewise forfeit five times the sum won. Going shares with the winner, and betting on his side, are, in both instances, within the act.

By the same act all securities for money won at play are made void; and if a mortgage be made on such account, the mortgagee doth not only lose all benefit of it, but the mortgage immediately enures to the use of the next heir.†

By this law persons who have lost above 10*l.* and have actually paid it may recover the same by action within three months; and if they do not sue for it within that time, any other person may.‡ And the defendant shall be liable to answer a bill for discovering such sum lost, upon oath.

By 18 George II.§ whoever wins or loses 10*l.* at play, or by betting at any one time, or 20*l.* within twenty-four hours, is liable to be indicted, and shall be fined five times the value of the money lost.

By 12 George II.‖ the games of Pharaoh, the Ace of Hearts, Basset, and Hazard, are declared to be lotteries; and all persons who set up, maintain, and keep them, forfeit 200*l.* and all who play at them forfeit 50*l.* The conviction to be before one justice of peace, by the oath of one witness, or confession of the party. And the justice neglecting his duty forfeits 10*l.* *Note*, The prosecution against the keeper, &c. may be for a lottery, on the 8 George I. where the penalty is 500*l.*

* 9 Annæ, chap. xiv. by which the statute of 16 C. II. is enlarged, and made more severe.

† Ibid. sect. 1.

‡ 9 Annæ, chap. xiv. sect. 2.

§ Chap. xxxiv.

‖ Chap. xxviii.

The act of 18 George II. includes the game of Roly Poly, or other prohibited game at cards or dice, within the penalties of the above-mentioned.

I have given this short sketch of these several acts partly for the use and encouragement of informers, and partly to insinuate to certain persons with what decency they can openly offend against such plain, such solemn laws, the severest of which many of themselves have, perhaps, been the makers of. How can they seriously answer, either to their honour or conscience, giving the pernicious example of a vice, from which, as the legislature justly says in the preamble to the 16th of Charles II. 'Many mischiefs and inconveniences do 'arise, and are daily found, in the encouraging of 'sundry idle and disorderly persons in their dishonest, 'lewd, and dissolute course of life; and to the circum-'venting, deceiving, cozening, and debauching of many 'of the younger sort, both of the nobility and gentry 'and others, to the loss of their precious time, and 'the utter ruin of their estates and fortunes, and with-'drawing them from noble and laudable employments 'and exercises!' Will a nobleman, I ask, confess that he can employ his time in no better amusement; or will he frankly own that he plays with any other view than that of amusement? Lastly, what can a man who sins in open defiance of the laws of his country answer to the *vir bonus est quis?* Can he say,

*Qui consulta patrum, qui leges juraque servat?*

Or can he apply that celebrated line,

*Oderunt peccare boni virtutis honore,*

to himself, who owes to his greatness, and not to his innocence, that he is not deterred from such vices—*Formidine Pœnæ?*

## SECTION IV.

*Of the laws that relate to the provision for the poor.*

HAVING now run through the several immediate consequences of a general luxury among the lower people, all which, as they tend to promote their distresses, may be reasonably supposed to put many of them, of the bolder kind, upon unlawful and violent means of relieving the mischief which such vices have brought upon them, I come now to a second cause of the evil, in the improper regulation of what is called the poor in this kingdom, arising, I think, partly from the abuse of some laws, and partly from the total neglect of others; and (if I may presume to say it) somewhat perhaps from a defect in the laws themselves.

It must be matter of astonishment to any man to reflect, that in a country where the poor are, beyond all comparison, more liberally provided for than in any other part of the habitable globe, there should be found more beggars, more distressed and miserable objects, than are to be seen throughout all the states of Europe.

And yet, undoubted as this fact is, I am far from agreeing with Mr. Shaw,* who says, 'There are few, 'if any, nations or countries where the poor are more 'neglected, or are in a more scandalous nasty condition, 'than in England. Whether,' says he, 'this is owing 'to that natural inbred cruelty for which Englishmen 'are so much noted among foreigners, or to that medley 'of religions which are so plentifully sown, and so carefully cherished among us; who think it enough to take

* Vol. II. p. 1.

'care of themselves, and take a secret pride and pleasure 'in the poverty and distresses of those of another per-'suasion,' &c.

That the poor are in a very nasty and scandalous condition is, perhaps, too true; but sure the general charge against the people of England, as well as the invidious aspersion on particular bodies of them, is highly unjust and groundless. Nor do I know that any nation hath ventured to fix this character of cruelty on us. Indeed, our inhospitality to foreigners hath been sometimes remarked; but that we are cruel to one another is not, I believe, the common, I am sure it is not the true opinion. Can a general neglect of the poor be justly charged on a nation in which the poor are provided for by a tax, frequently equal to what is called the land-tax, and where there are such numerous instances of private donations, such numbers of hospitals, almshouses, and charitable provisions of all kinds?

Nor can any such neglect be charged on the legislature; under whose inspection this branch of polity hath been almost continually, from the days of Queen Elizabeth to the present time. Insomuch, that Mr. Shaw himself enumerates no less than thirteen acts of parliament relating to the indigent and helpless poor.

If therefore there be still any deficiency in this respect, it must, I think, arise from one of the three causes abovementioned; that is, from some defect in the laws themselves, or from the perversion of these laws; or, lastly, from the neglect in their execution.

I will consider all these with some attention.

The 43rd of Eliz.* enacts;

First, that the churchwardens of every parish, and two substantial householders, at least, shall be yearly appointed to be overseers of the poor.

* Chap. iii.

Secondly, that these overseers shall, with the consent of two justices of the peace, put out apprentices the children of poor people. And all married or unmarried persons, who have no means or trade to maintain themselves, shall be put to work.

Thirdly, that they shall raise by a parochial tax a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor to work.

Fourthly, that they shall, from the same tax provide towards the necessary relief of the lame, impotent, old, blind, and others, being poor and not able to work.

Fifthly, that they shall, out of the same tax, put the children of poor persons apprentices.

That these provisions may all be executed, that act vested the overseers with the following powers; and enforced the executing them by the following penalties.

I. The overseers are appointed to meet once at least every month in the church after divine service; there, says the act, to consider of some good course to be taken, and some meet order to be set down *in the premises.* And to do this they are enjoined by a penalty; for every one absenting himself from such meeting, without a just excuse to be allowed by two justices of the peace, or being negligent in his office, or in the execution of the orders aforesaid, forfeits 20*s*.

And after the end of their year, and after other overseers nominated, they are, within four days, to make and yield up to two justices of the peace, a true and perfect account of all sums of money by them received or assessed, and of such stores as shall be in their hands, or in the hands of the poor, to work, and of all other things concerning their office, &c. And if the churchwardens and overseers refuse to account, they are to be committed by two justices till they shall have made a true account.

II. The overseers and churchwardens, both present and subsequent, are empowered, by warrant from two justices, to levy all the monies assessed, and all arrearages of those who refuse to pay, by distress and sale of the refuser's goods; and the subsequent overseers may, in the same manner, levy the money and stock in the hands of the precedent; and for want of distress the party is to be committed by two justices, without bail, till the same be paid.

III. They have a power to compel the poor to work; and such as refuse or neglect, the justice may commit to the house of correction or common gaol.

IV. The overseers may compel children to be apprentices, and may bind them where they shall see convenient; till the man-child shall attain the age of twenty-four, and the woman-child the age of twenty-one, or till the time of her marriage; the indenture to be as effectual to all purposes as the covenant of one of full age.

V. They have a power to contract with the lord of the manor,* and, on any parcel of ground on the waste, to erect, at the general charge of the parish, convenient houses of dwelling for the impotent poor; and to place several inmates in the same cottage, notwithstanding the statute † of cottages.

VI. They can compel the father and grandfather, mother and grandmother, and children of every poor, old, blind, and impotent person, or of any other person not being able to work (provided such father, &c. be of sufficient ability) at their own charges, to relieve and maintain such poor person, in such manner, and after such rate, as shall be assessed by the sessions, under the penalty of 20*s.* for every month's omission.

* This must be done by consent and order of sessions.

† These cottages are never after to be applied to any other use.

VII. If no overseers be named, every justice within the division forfeits 5*l.*

So far this statute of Elizabeth, by which the legislature may seem very fully to have provided, *First*, For the absolute relief of such poor, as are by age or infirmity rendered unable to work; and, *Secondly*, For the employment of such as are able.

'The former of these,' says Lord Hale in his discourse on this subject, 'seems to be a charity of more 'immediate exigence; but the latter (viz. the employ-'ment of the poor) is a charity of greater extent, and of 'very great and important consequence to the public 'wealth and peace of the kingdom, as also to the 'benefit and advantage of the poor.' And this, as Mr. Shaw observes, 'would prevent the children of our 'poor being brought up in laziness and beggary, 'whereby beggary is entailed from generation to genera-'tion: This is certainly the greatest charity; for though 'he who gives to any in want does well, yet he who 'employs and educates the poor, so as to render them 'useful to the public, does better; for that would be 'many hundred thousand pounds *per ann.* benefit to 'this kingdom.'

Now the former of these provisions hath, perhaps, though in a very slovenly and inadequate manner, been partly carried into execution; but the latter, I am afraid I may too boldly assert, hath been utterly neglected and disregarded. Surely this is a most scandalous perversion of the design of the legislature, which through the whole statute seems to have had the employment of the able poor chiefly under their consideration; for to this purpose only almost every power in it is established, and every clause very manifestly directed. To say the truth, as this law hath been perverted in the execution, it were, perhaps, to be wished it had never

been made. Not because it is not our duty to relieve real objects of distress; but because it is so much the duty of every man, and I may add, so much the inclination of most Englishmen, that it might have been safely left to private charity; or a public provision might surely have been made for it in a much cheaper and more effectual manner.

To prove the abuse of this law, my Lord Hale appeals to all the populous parishes in England (he might, I believe, have included some which are not over populous.) 'Indeed,' says he, 'there are rates made for 'the relief of the impotent poor; and, it may be, the 'same relief is also given in a narrow measure unto 'some others that have great families, and upon this 'they live miserably and at best from hand to mouth; 'and if they cannot get work to make out their liveli-'hood, they and their children set up a trade of begging 'at best; but it is rare to see any provision of a stock 'in any parish for the relief of the poor; and the reasons 'are principally these: 1. The generality of people that 'are able, are yet unwilling, to exceed the present 'necessary charge; they do choose to live for an hour 'rather than project for the future; and, although 'possibly trebling their exhibition in one gross sum at 'the beginning of the year, to raise a stock might in 'all probability render their future yearly payments, 'for seven years together, less by half, or two thirds, 'than what must be without it; yet they had rather con-'tinue on their yearly payments, year after year, though 'it exhaust them in time, and make the poor nothing 'the better at the year's end. 2. Because those places, 'where there are most poor, consist for the most part of 'tradesmen, whose estates lie principally in their stocks, 'which they will not endure to be searched into, to 'make them contributary to raise any considerable stock

'for the poor, nor indeed so much as to the ordinary 'contributions; but they lay all the rates to the poor 'upon the rents of lands and houses, which alone, 'without the help of the stocks, are not able to raise 'a stock for the poor, although it is very plain that 'stocks are as well by law rateable as lands, both to 'the relief and raising a stock for the poor. 3. Because 'the churchwardens and overseers, to whom this power 'is given, are inhabitants of the same parish, and are 'either unwilling to charge themselves, or to displease 'their neighbours in charging more than they needs 'must towards the poor; and although it were to be 'wished and hoped that the justices of the peace would 'be forward to enforce them if they might, though it 'may concern them also in point of present profit; yet, 'if they would do any thing herein, they are not em-'powered to compel the churchwardens and overseers to 'do it, who, most certainly, will never go about it to 'burden, as they think, themselves, and displease their 'neighbours, unless some compulsory power were not only 'lodged by law, but also executed by some that may have 'a power over them to enforce it; or to do it, if they 'do it either partially or too sparingly. 4. Because 'people do not consider the inconvenience that in time 'grow to themselves by this neglect, and the benefit that 'would in a little time accrue to them by putting it in 'practice, if they would have but a little patience.'

To these I will add a fifth reason; because the churchwardens and overseers are too apt to consider their office as a matter of private emolument. To waste part of the money raised for the use of the poor in feasting and riot, and too often to pervert the power given them by the statute to foreign, and sometimes to the very worst of purposes.

The above considerations bring my Lord Hale to com-

plain of several defects in the law itself; 'in which,' says he, 'there is no power from the justices of the peace, 'nor any superintendent power, to compel the raising 'of a stock where the churchwardens and overseers 'neglect it.

'The act chargeth every parish apart, where it may 'be they are liable to do little towards it; neither would 'it be so effectual as if three, four, five, or more 'contiguous parishes did contribute towards the raising 'of a stock proportionably to their poor respectively.

'There is no power for hiring or erecting a common 'house, or place, for their common workhouse; which 'may be, in some respects, and upon some occasions, 'useful and necessary.'

As to the first of these, I do not find any alteration hath been made, nor if there was, might it possibly produce any desired effect. The consequence, as it appears, would be only making churchwardens of the justices of peace, which many of them are already, not highly to the satisfaction of their parishes; too much power vested in one man being too apt perhaps to beget envy.

The second and third do pretty near amount to one and the same defect; and this, I think, is at present totally removed. Indeed, in my Lord Hale's own time, though probably after he had written this treatise, a workhouse was erected in London under the powers given by the statute made in the 13 and 14 of Charles II.,* and I believe with very good success.

Since that time other corporations have followed the example, as the city of Bristol in the reign of King William,† and that of Worcester in the reign of Queen Anne,‡ and in other places.

And now by a late statute, made in the reign of King

* Chap. xii. † 8 and 9 W. III. c. xxx. ‡ 2 Annæ, c. viii.

George I.,* the power of erecting workhouses is made general over the kingdom.

Now either this method, proposed by Lord Hale, is inadequate to the purpose; or this act of parliament hath been grossly perverted; for certain it is that the evil is not removed, if indeed it be lessened, by the erection of workhouses. Perhaps, indeed, one objection which my Lord Hale makes to the statute of Eliz. may here recur, seeing that there is nothing compulsory, but all left to the will and direction of the inhabitants.

But in truth the method itself will never produce the desired effect, as the excellent Sir Josiah Child well observes,†—'It may be objected,' says he, 'that this 'work (the provision for the poor) may as well be done 'in distinct parishes, if all parishes were obliged to build 'workhouses, and employ their poor therein, as Dor-'chester and some others have done with good success.' I answer, 'That such attempts have been made in many 'places, to my knowledge, with very good intents and 'strenuous endeavours; but all that I ever heard of 'proved vain and ineffectual.' For the truth of which, I believe, we may appeal to common experience.

And, perhaps, no less ineffectual would be the scheme proposed by this worthy gentleman, though it seems to promise fairer than that of the learned chief justice; yet neither of them seem to strike at the root of the evil. Before I deliver any sentiments of my own, I shall briefly take a view of the many subsequent provisions with which the legislature have, from time to time, enforced and strengthened the foregoing statute of Elizabeth.

The power of putting out children‡ apprentices is

* 9 George I. c. i. † Essay on Trade, c. ii.

‡ See 7 Jac. I. c. iii. which directs the manner of putting out apprentices, in pursuance of any gifts made to corporations, &c. for that purpose.

enforced by the third of * Charles I. which enacts, 'That 'all persons to whom the overseers shall bind children 'by virtue of the statute of Eliz. may receive and keep 'them as apprentices.' But there yet wanted, as Lord Hale says, a *sufficient compulsory for persons to take them;* wherefore it is enacted, by 8 and 9 † Will. III. 'That all persons to whom apprentices are appointed 'to be bound by the overseers, with the consent of the 'justices, shall receive them and execute the other part 'of the indenture, under the penalty of 10*l.* for refusing, 'to be recovered before two justices, on the oath of one 'of the churchwardens or overseers.'

The power of setting the poor to work is enlarged by ‡ 3 Charles I. This act gives the churchwardens and overseers of the poor a power, with the consent of two justices, or of one, if no more justices shall be within their limits, to set up and occupy any trade for the setting the poor to work.

The power of relieving the impotent poor (*i.e.* of distributing the public money) the only one which hath much exercised the mind of the parish officers, the legislature seems to think rather wanted restraining than enlarging; accordingly, in the reign of King § William they made an act to limit the power of the officers in this respect. As the act contains the sense of parliament of the horrid abuse of the statute of Elizabeth, I will transcribe part of a paragraph from it *verbatim.*

'And whereas many inconveniences do daily arise 'in cities, towns corporate, and parishes, where the in-'habitants are very numerous, by reason of the un-'limited power of the churchwardens and overseers of

* Chap. iv. sect. 22. p. 8; the same clause is in 21 Jac. c. xxviii. par. 33.

† Chap. xxx. sect. 6.

‡ Chap. iv. sect. 22. ubi supra.

§ 3 & 4 W. & M. c. xi. sect. 11.

'the poor, who do frequently, upon frivolous pretences '(but chiefly for their own private ends), give relief to 'what persons and number they think fit, and such 'persons being entered into the collection bill, do be-'come after that a great charge to the parish, notwith-'standing the occasion or pretence of their collection 'oftentimes ceases, by which means the rates for the 'poor are daily increased, contrary to the true intent of 'a statute made in the 43rd year of the reign of her 'majesty Queen Elizabeth, intituled, *An Act for the 'relief of the poor;* for remedying of which, the statute 'enacts, that, for the future, a book shall be provided 'and kept in every parish (at the charge of the same 'parish) wherein the names of all persons receiving 'collection, &c., shall be registered, with the day and 'year of their first receiving it. This book to be yearly, 'or oftener, viewed by the parishioners, and the names 'of the persons who receive collection shall be called 'over, and the reason of the receiving it examined, and 'a new list made; and no other person is allowed to 'receive collection but by order of a justice of peace, '&c., except in case of pestilential diseases or small-'pox.'*

The 8th and 9th of the same king, reciting the fear of the legislature, *That the money, raised only for the relief of such as are as well impotent as poor, should be misapplied and consumed by the idle, sturdy, and disorderly beggars,* 'Enacts, that every person, his wife, children, '&c., who shall receive relief from the parish, shall 'wear a badge marked with the letter *P.*, &c., in default 'of which, a justice of peace may order the relief of such 'persons to be abridged, suspended, or withdrawn, or

* The same statute in another part charges the overseers, &c., with applying the poor's money to their own use.

'may commit them for twenty-one days to the house 'of correction, there to be kept to hard labour. And 'every churchwarden or overseer, who relieves any one 'without a badge, being convicted before one justice, 'forfeits 20*s*.'

Whether the justices made an ill use of the power given them by the statute of the 3rd and 4th of King William, I will not determine; but the parliament thought proper afterwards to abridge it; for by the 9th of George I.* the justices are forbidden, 'To make any 'order for the relief of a poor person, till oath is first 'made of a reasonable cause; and that application hath 'been made to the parishioners at the vestry, or to two 'officers, and that relief hath been refused. Nor can 'the justice then give his order, till he hath summoned 'the overseer to shew cause why relief should not be 'given.'

By the same statute, 'Those persons to whom the 'justices order relief, are to be registered in the parish 'books, as long only as the cause of the relief continues. 'Nor shall any parish officer be allowed any money 'given to the unregistered poor, unless on the most 'urgent occasion. The penalty for charging such money 'to the parish account is 5*l*. The conviction is to be 'before two justices.'

Lastly, That the parish may in all possible cases be relieved from the burden of the poor, whereas the statute of Elizabeth obliges the father, mother, &c., and children, if able, to relieve their poor children and parents; so, by the 5th of George I.,† it is provided, 'That where 'any wife or child shall be left by the husband or 'parents a charge to any parish, the churchwardens or 'overseers may, by the order of two justices, seize so

* Chap. xxx. sect. 2. † Chap. viii.

'much of the goods and chattels, and receive so much 'of the annual rents and profits of the lands and tene- 'ments of such husband or parent, as the justices shall 'order towards the discharge of the parish; and the 'sessions may empower the churchwardens and over- 'seers, to dispose thereof, for the providing for the wife, 'and bringing up the children, &c.'

Such is the law that relates immediately to the maintenance of the impotent poor; a law so very ample in its provision, so strongly fortified with enforcing powers, and so cautiously limited with all proper restraints, that, at first sight, it appears sufficiently adequate to every purpose for which it was intended, but experience hath convinced us of the contrary.

And here I am well aware of the delicate dilemma, to which I may seem reduced; since how shall I presume to suppose any defects in a law, which the legislature seems to have laboured with such incessant diligence? but I am not absolutely driven to this disagreeable necessity, as the fault may so fairly be imputed to the non-execution of the law; and, indeed, to the ill-execution of the statute of Elizabeth, my Lord Chief Justice Hale chiefly imputes the imperfect provision for the poor in his time.

Sir Josiah Child, it is true, speaks more boldly, and charges the defects on the laws themselves: One general position, however, which he lays down, *That there never was a good law made, that was not well executed*, is surely very questionable. So therefore must be his opinion, if founded on that maxim; and this opinion, perhaps, he would have changed, had he lived to see the latter constitutions on this head.

But whatever defects there may be in the laws, or in the execution of them, I much doubt whether either of these great men hath found the means of curing them.

And this I am the more forward to say, as the legislature, by a total neglect of *both* their schemes, seems to give sufficient countenance to my assertion.

In a matter then of so much difficulty, as well as so great importance, how shall I venture to deliver my own opinion? Such, indeed, is the difficulty and importance of this question, that Sir Josiah Child thinks, *If a whole session of parliament were employed on this single concern, it would be time spent as much to the glory of God, and good of this nation, as in any thing that noble and worthy patriots of their country can be engaged in.*

However, under the protection of the candid, and with deference to the learned reader, I will enter on this subject, in which, I think, I may with modesty say I have had some experience; and in which I can with truth declare I have employed no little time. If any gentleman who hath had more experience, hath more duly considered the matter, or whose superior abilities enable him to form a better judgment, shall think proper to improve my endeavours, he hath my ready consent. Provided the end be effected, I shall be contented with the honour of my share (however inconsiderable) in the means. Nay, should my labours be attended only with neglect and contempt, I think I have learned (for I am a pretty good historian) to bear such misfortunes without much repining.

By THE POOR, then, I understand such persons as have no estate of their own to support them, without industry; nor any profession or trade, by which, with industry, they may be capable of gaining a comfortable subsistence.

This class of the people may be considered under these three divisions:

First, Such poor as are unable to work.

2ndly, Such as are able and willing to work.

3rdly, Such as are able to work, but not willing.

As to the first of these, they are but few. An utter incapacity to work must arise from some defect, occasioned either by nature or accident. Natural incapacities are greatly the most (perhaps the only) considerable ones; for as to accidental maims, how very rarely do they happen, and, I must add, how very nobly are they provided for, when they do happen! Again, as to natural incapacities, they are but few, unless those two general circumstances, one of which must, and the other may befal all men; I mean the extremes of youth and age; for, besides these, the number of persons who really labour under an utter incapacity of work, will, on a just inspection, be found so trifling, that two of the London hospitals might contain them all. The reader will be pleased to observe, I say of those who *really labour*, *&c.*, for he is much deceived who computes the number of objects in the nation from the great number which he daily sees in the streets of London. Among whom I myself have discovered some notorious cheats, and my good friend, Mr. Welch, the worthy high constable of Holborn division, many more. Nothing, as I have been well informed, is more common among these wretches, than for the lame, when provoked, to use their crutches as weapons instead of supporters; and for the blind, if they should hear the beadle at their heels, to outrun the dogs which guided them before. As to diseases, to which human nature is universally liable, they sometimes (though very rarely, for health is the happy portion of poverty) befal the poor; and at all such times they are certainly objects of charity, and entitled, by the law of God, to relief from the rich.

Upon the whole, this first class of the poor is so truly inconsiderable in number, and to provide for them in the most ample and liberal manner would be so very easy to

the public; to support and cherish them, and to relieve their wants, is a duty so positively commanded by our Saviour, and is withal so agreeable and delightful in itself, affording the most desirable object to the strong passion of pity; nay, and in the opinion of some, to pride and vanity also; that I am firmly persuaded it might be safely left to voluntary charity, unenforced by any compulsive law. And if any man will profess so little knowledge of human nature, and so mean and unjust an opinion of the Christianity, I might say the humanity, of his country, as to affect a contrary opinion, notwithstanding all I have said, let him answer the following instance, which may be called an argument *à posteriori*, for the truth of my assertion. Such, I think, is the present bounty to beggars; for, at a time when every man knows the vast tax which is raised for the support of the poor, and when all men of property must feel their contributions to this tax, mankind are so forward to relieve the appearance of distress in their fellow-creatures, that every beggar, who can but moderately well personate misery, is sure to find relief and encouragement; and this, though the giver must have great reason to doubt the reality of the distress, and when he can scarce be ignorant that his bounty is illegal,* and that he is encouraging a nuisance. What then must be the case, when there should be no such tax, nor any such contribution; and when, by relieving a known and certain object of charity, every good man must be assured, that he is not only doing an act which the law allows, but which Christianity and humanity too exact of him?

However, if there be any person who is yet unwilling

* This was forbidden by many statutes, and by the act of 27 Henry VIII. every person giving any money in alms, but to the common boxes and common gatherings in every parish, forfeits twelve times as much as he gives.

to trust the poor to voluntary charity, or if it should be objected, that there is no reason to lay the whole burden on the worthier part of mankind, and to excuse the covetous rich; and that a tax is therefore necessary to force open the purses of these latter; let there be a tax then, and a very inconsiderable one would effectually supply the purpose.*

I come now to consider the second class. These are in reason, though not in fact, equally objects of the regard of the compassionate man, and much more worthy the care of the politician; and yet, without his care, they will be in a much worse condition than the others; for they have none of those incitements of pity which fill the pockets of the artful beggar, and procure relief for the blind, the lame, and other visible objects of compassion; such therefore, without a law, and without an honest and sensible execution of that law, must languish under, and often perish with want. A melancholy and dreadful reflection! and the more so, as they are capable of being made not only happy in themselves, but highly useful to the service of the community.

To provide for these, seems, as I have said, to have been the chief design of the statute of Elizabeth, as well as of several laws enacted since; and that this design hath hitherto failed, may possibly have arisen from one single mistake, but a mistake which must be fatal, as it is an error in the first concoction. The mistake I point at is, that the legislature have left the whole work to the overseers. They have rather told them what they are to do (viz. to employ the indus-

* The reader is desired to consider the author here as speaking only of the impotent poor, and as hoping that some effectual means may be found out of procuring work, and consequently maintenance, for the able and industrious.

trious poor) than how they shall do it. It is true, the original act directs them, by a parochial tax, to raise a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff to set the poor to work. A direction so general and imperfect, that it can be no wonder, considering what sort of men the overseers of the poor have been, that it should never have been carried into execution.

To say the truth, this affair of finding an universal employment for the industrious poor, is of great difficulty, and requires talents not very bountifully scattered by Nature among the whole human species. And yet, difficult as it is, it is not, I hope, impracticable, seeing that it is of such infinite concern to the good of the community. Hands for the work are already supposed, and surely trade and manufactures are not come to so low an ebb, that we should not be able to find work for the hands. The method of adapting only seems to be wanting. And though this may not be easy to discover, it is a task surely not above the reach of the British Parliament, when they shall think proper to apply themselves to it.

Nor will it, I hope, be construed presumption in me to say, that I have myself thought of a plan for this purpose, which I am ready to produce, when I shall have any reason to see the least glimpse of hope, that my labour in drawing it out at length would not be absolutely and certainly thrown away.

The last and much the most numerous class of poor, are those who are able to work and not willing. This likewise hath fallen under the eye of the legislature, and provisions have been made concerning it; which, if in themselves efficacious, have at least failed of producing any good effect, from a total neglect in the execution.

By the 43 Eliz. the churchwardens and overseers, or greater part of them, with the consent of two justices, shall take order for the setting to work the children of all such parents as they shall think not able to maintain them; as also, all such married or unmarried persons, as shall have no means to maintain themselves, nor any ordinary trade or calling whereby to get their living.

Besides this power of compelling the poor to work, the legislature hath likewise compelled them to become, 1. Apprentices; and, 2. Servants. We have already seen the power of the overseers, with the assistance of the justices, to put poor children apprentices; and likewise to oblige their masters to receive them. And long before, a compulsion was enacted* on poor persons to become apprentices; so that any householder, having and using half a plough-land in tillage, may compel any poor person under twenty-one, and unmarried, to serve as an apprentice in husbandry, or in any other kind of art, mystery, or science (before expressed in the act†); and if such person, being so required, refuse to become an apprentice, one justice of peace may compel him, or commit him to prison, there to remain till he will be bound.

2ndly, The poor are obliged to become servants.

By the 5th of Eliz.‡ it is enacted, 'That every person 'being unmarried, and every other person under the 'age of thirty, who hath been brought up in any of 'the sciences, &c. of clothiers, woollen cloth weavers, 'tuckers, fullers, clothworkers, shearmen, dyers, hosiers, 'tailors, shoemakers, tanners, pewterers, bakers, brewers, 'glovers, cutlers, smiths, farriers, curriers, sadlers, spur-

* 5 Eliz. c. iv. sect. 35. † Viz. Every trade then used.

‡ Chap. iv. sect. 4.

'riers, tanners, tappers, hatmakers or feltmakers, butchers, 'cooks, or millers, or who hath exercised any of these 'trades by the space of three years or more; and not 'having in lands, rents, &c. an estate of 40*s.* clear yearly 'value, freehold, nor being worth in goods 10*l.* and so 'allowed by two justices of the county, where he hath 'most commonly inhabited, or by the mayor, &c. nor 'being retained with any person in husbandry, nor re-'tained in any of the above sciences, or in any other 'art or science; nor lawfully retained in household, or 'in any office, with any nobleman, gentleman, or others; 'nor having a convenient farm, or other holding in 'tillage, whereupon he may lawfully employ his labour, 'during the time that he shall continue unmarried, or 'under the age of thirty, upon request made by any 'person using the art or mystery, wherein the person 'so required hath been exercised as aforesaid, shall be 'retained.

'And every person between the age of twelve and 'sixty, not being lawfully retained in the several ser-'vices mentioned in the statute,* nor being a gentleman 'born, or a scholar in either university, or in any school, 'nor having an estate of freehold of 40*s.* *per annum* 'value, nor being worth in goods 10*l.* nor being heir to '10*l.* *per annum*, or 40*l.* in goods; nor being a necessary 'or convenient servant lawfully retained; nor having a 'convenient farm, or holding, nor otherwise lawfully re-'tained, shall be compelled to be retained to serve in 'husbandry, by the year, with any person using hus-'bandry within the same shire.

'Every such person refusing to serve upon request, 'or covenanting to serve, and not serving; or departing 'from his service before the end of his term, unless for

* Chap. iv. sect. 7.

'some reasonable cause to be allowed before a justice 'of the peace, mayor, &c. or departing at the end of 'his term without a quarter's warning given before two 'witnesses, may be committed by two justices of the 'peace to prison, there to remain without bail or main-'prize, till he shall become bound to his master, &c. to 'serve, &c.*

'Nor shall any master in any of the arts and sciences 'aforesaid, retain a servant for less than a year;† nor 'shall any master put away a servant retained by this 'act within his term, nor at the end of the term without 'a quarter's warning, under the penalty of 40*s.*‡

'Artificers, &c. are compellable by a justice of the 'peace, or the constable or other head officer of a town-'ship, to serve in the time of hay or corn harvest. The 'penalty of disobedience is imprisonment in the stocks 'by the space of two days and one night.§

'Women between the ages of twelve and forty, may 'be obliged, by two justices, to enter into service by 'the year, week, or day; or may be committed '*quousque.*‖

The legislature having thus appointed what persons shall serve, have gone farther, and have directed a method of ascertaining how they shall serve; for which use principally is that excellent constitution of 5 Elizabeth,¶ 'That the justices of the peace, with the sheriff 'of the county, if he conveniently may, the mayor, &c., 'in towns corporate, shall yearly, within six weeks of 'Easter, assemble together, and with the assistance of 'such discreet persons as they shall think proper to call 'to them, and respecting the plenty or scarcity of the 'time, and other circumstances, shall within the limits

* Chap. iv. sect. 5, 6, 9. † Ib. sect. 3. ‡ Ib. sect. 5, 6, 8.
§ Ib. sect. 28. ‖ Ib. sect. 24. ¶ Ib. sect. 15.

'of their commission, rate and appoint the wages of 'artificers, labourers, &c., by the year, month, week, or 'day, with or without meat and drink.' Then the statute enumerates several particulars, in the most explicit manner, and concludes with these general words: 'And for any other kind of reasonable labour and 'service.'

'These rates are appointed to be engrossed in parch-'ment, and are certified into chancery, before the 12th 'day of July; and before the first day of September, 'several printed proclamations, containing the rates, and 'a command to all persons to observe them, are to be 'sent to the sheriff and justices, and to the mayor, &c. 'These proclamations are to be entered on record with 'the clerk of the peace, to be fixed up in the market-'towns, and to be publicly proclaimed in all the markets 'till Michaelmas.*

'And if any person, after the said proclamations shall 'be so sent down and published, shall, by any secret 'ways or means, directly or indirectly retain or keep any 'servant, workman, or labourer, or shall give any greater 'wages, or other commodity, contrary to the true intent 'of the statute, or contrary to the rates assessed, he shall 'forfeit 5*l.* and be imprisoned by the space of ten days.†

'And every person who is retained, or takes any wages 'contrary to the statute, shall be imprisoned twenty-one 'days.‡ And every such retainer, promise, gift, and 'payment, or writing and bond for that purpose, are 'made absolutely void.

'Every justice of peace, or chief officer, who shall be 'absent at the rating of wages, unless the justices shall 'allow the reasonable cause of his absence, forfeits 10*l.*' §

* Chap. iv. sect. 16. † Ib. sect. 18. ‡ Ib. sect. 19, 20.
§ Ib. sect. 17.

That this statute may, from time to time, be carefully and diligently put in execution, 'The justices are appointed to meet twice a year, to make a special and 'diligent enquiry of the branches and articles of this 'statute, and of the good execution of the same, and 'severely to correct and punish any defaults; for which 'service they are allowed 5*s. per* day.'* No inconsiderable allowance at that time.

But all this care of the legislature proved, it seems, ineffectual; for forty years after the making of this statute, we find the parliament complaining, 'That the 'said act had not, according to the true meaning 'thereof, been duly put in execution; and that the 'rates of wages for poor artificers, labourers, and other 'persons, had not been rated and proportioned according 'to the politic intention of the said act.'† A neglect which seems to have been occasioned by some doubts raised in Westminster-hall, concerning the persons who were the subjects of this law. For the clearing therefore any such doubt, this subsequent statute gives the justice an express power 'to rate the wages of any labourers, 'weavers, spinsters, and workmen or workwomen what-'soever, either working by the day, week, month, year, 'or taking any work at any person's hands whatsoever, 'to be done by the great or otherwise.'‡

And to render the execution of this law the more easy, the statute of James I. enacts, 1. 'That in all counties 'where general sessions are kept in several divisions, the 'rating wages at such respective general sessions shall be 'as effectual within the division, as if they had been rated 'at the grand general session.'§

2. The method of certifying the rates in chancery,

* Chap. iv. sect. 37, 38.

† Preamble to 1 Jac. c. vi.

‡ Ib. sect. 3.

§ Ib. sect. 5.

appearing, I apprehend, too troublesome and tedious, 'such certificate is made no longer necessary, but the 'rates being assessed and engrossed in parchment, under 'the hands and seals of the justices, the sheriff, or chief 'officer, of towns corporate, may immediately proclaim 'the same.'*

And whereas wool is the great staple commodity of this kingdom, and the woollen trade its principal manufacture, the parliament have given particular attention to the wages of artificers in this trade.

For, 1. By the statute of James I.,† 'No clothier, 'being a justice of peace in any precinct or liberty, 'shall be a rater of wages for any artizan depending 'upon the making of cloth.'

2. 'Clothiers not paying so much wages to their work-'men or workwomen, as are rated by the justices, forfeit '10*s.* for every offence.'‡

By a late statute,§ 'All persons anywise concerned in 'employing any labourers in the woollen manufactory 'are required to pay the full wages or price agreed on, 'in money, and not in goods, truck, or otherwise; nor 'shall they make any deduction from such wages or 'price, on account of any goods sold or delivered pre-'vious to such agreement. And all such wages are to 'be levied, on conviction, before two justices, by dis-'tress; and for want of distress, the party is to be 'committed for six months, or until full satisfaction is 'made to the party complaining. Besides which the 'clothier forfeits the sum of 100*l.*'‖

4. By the same statute, 'All contracts, byelaws, &c., 'made in unlawful clubs, by persons brought up in, or 'exercising the art of, a wool-comber or weaver, for

* Preamble to 1 Jac. c. vi. sect. 6. † Ib. sect. 7. ‡ Ib. sect. 7.
§ 12 Geo. I. c. xxxiv. sect. 3. ‖ Ib. sect. 4.

'regulating the said trade, settling the prices of goods, 'advancing wages, or lessening the hours of work, are 'declared to be illegal and void; and any person con- 'cerned in the woollen manufactures, who shall know- 'ingly be concerned in such contract, byelaw, &c., or 'shall attempt to put it in execution, shall, upon con- 'viction before two justices, suffer three months impri- 'sonment.'*

But long before this act, a general law was made,† to punish all conspiracies for raising wages, limiting hours of work, &c., among artificers, workmen, and labourers; and if such conspiracy was to extend to a general advance of wages all over the kingdom, any insurrection of a number of persons, in consequence of it, would be an overt act of high treason.

From this cursory view it appears, I think, that no blame lies at the door of the legislature, which hath not only given the magistrate, but even private persons, with his assistance, a power of compelling the poor to work; and, 2ndly, hath allotted the fullest powers, and prescribed the most effectual means for ascertaining and limiting the price of their labour.

But so very faulty and remiss hath been the execution of these laws, that an incredulous reader may almost doubt whether there are really any such existing. Particularly as to that which relates to the rating the wages of labourers; a law which at first, it seems, was too carelessly executed, and which hath since grown into utter neglect and disuse.

Hath this total disuse arisen, in common with the neglect of other wholesale provisions, for want of due attention to the public good? or is the execution of this law attended with any extraordinary difficulty? or, lastly,

* 12 Geo. I. c. xxxiv. sect. 1. † 2 & 3 E. VI. c. xv.

are we really grown, as Sir Josiah Child says, wiser than our forefathers, and have discovered any fault in the constitution itself; and that to retrench the price of labour by a law is an error in policy?

This last seems to me, I own, to be very strange doctrine, and somewhat of a paradox in politics; however, as it is the sentiment of a truly wise and great man, it deserves a fair discussion. Such I will endeavour to give it; since no man is more inclined to respect the opinions of such persons, and as the revival of the law which he opposes, is, I think, absolutely necessary to the purpose I am contending for.

I will give the passage from Sir Josiah at length. It is in answer to this position, *That the dearness of wages spoils the English trade.* 'Here,' says he, 'the author 'propounds the making a law to retrench the hire of 'poor men's labour (an honest charitable project, and 'well becoming an usurer!) the answer to this is easy. 'First, I affirm and can prove, he is mistaken in fact; 'for the Dutch, with whom we principally contend in 'trade, give generally more wages to all their manufacturers, by at least twopence in the shilling, than the 'English. Secondly, Wherever wages are high, universally throughout the whole world, it is an infallible 'evidence of the riches of that country; and wherever 'wages for labour run low, it is a proof of the poverty 'of that place. Thirdly, It is multitudes of people, and 'good laws, such as cause an increase of people, which 'principally enrich any country; and if we retrench by 'law the labour of our people, we drive them from us to 'other countries that give better rates; and so the Dutch 'have drained us of our seamen and woollen manufacturers, and we the French of their artificers and silk-'manufacturers; and many more we should, if our laws 'otherwise gave them fitting encouragement; of which

'more in due place. Fourthly, If any particular trades 'exact more here than in Holland, they are only such 'as do it by virtue of incorporations, privileges, and 'charters, of which the cure is easy, by an act of natur-'alization, and without compulsory laws. It is true our 'great grandfathers did exercise such policy, of endea-'vouring to retrench the price of labour by a law '(although they could never effect it); but that was 'before trade was introduced into this kingdom; we are 'since, with the rest of the trading world, grown wiser 'in this matter, and I hope shall so continue.'*

To this I reply, 1. That the making such a law is not only an honest, but a charitable project; as it proposes, by retrenching the price of poor men's labour, to provide labour, and consequently hire for all the poor who are capable of labour. In all manufactures whatever, the lower the price of labour is, the cheaper will be the price to the consumer; and the cheaper this price is, the greater will be the consumption, and consequently the more hands employed. This is likewise a very charitable law to the poor farmer, and never more necessary than at this day, when the rents of lands are rated to the highest degree. The great hopes which the farmer hath (indeed his common relief from ruin) is of an exportation of corn. This exportation cannot be by law, unless where the corn is under such a particular price. How necessary then is it to him that the price of labour should be confined within moderate bounds, that the exportation of corn, which is of such general advantage to the kingdom, should turn, in any considerable manner, to his private profit? and what reason is there to imagine that his power of limiting wages should be executed in any dishonest or uncharitable manner? Is it not a power

* Preface to his Discourse on Trade.

entrusted to all the justices of the county or division, and to the sheriff, with the assistance of grave, sober, and substantial persons, who must be sufficient judges of the matter, and who are directed to have regard to the plenty and scarcity of the times? Is it to be suspected that many persons of this kind should unite in a cruel and flagitious act, by which they would be liable to the condemnation of their own consciences, to the curses of the poor, and to be reproached by the example of all their neighbouring counties? Are not much grosser exorbitances to be feared on the other side, when the lowest artificers, husbandmen, and labourers, are made judges in their own cause; and when it is left to their own discretion to exact what price they please for their labour of the poor farmer or clothier; of whom if they cannot exact an extravagant price they will fly to that alternative, which idleness often prefers, of begging or stealing? Lastly, such a restraint is very wholesome to the poor labourers themselves; of whom Sir Josiah observes,* 'That they live better in the dearest countries for pro-'visions than in the cheapest, and better in a dear year 'than in a cheap, especially in relation to the public 'good; for in a cheap year they will not work above 'two days in a week; their humour being such that they 'will not provide for a hard time, but just work so much 'and no more, as may maintain them in that mean condi-'tion to which they have been accustomed.' Is it not therefore, upon this concession, demonstrable, that the poor man himself will live much better (his family certainly will) by these means? Again, many of the poor, and those the more honest and industrious, will probably gain by such a law; for, at the same time that the impudent and idle, if left to themselves, will certainly exact

* Discourse on Trade.

on their masters; the modest, the humble, and truly laborious, may often (and so I doubt not but the case is) be oppressed by them, and forced to accept a lower price for their labour than the liberality of gentlemen would allow them.

2ndly, The two assertions contained in the next paragraph both seem to me suspicious. First, that the Dutch and other nations have done all that in them lies to draw from us our seamen, and some of our manufacturers, is certainly true; and this they would do at any price; but that the Dutch do in general give more wages to their manufacturers than the English is, I believe, not the fact. Of the manufactures of Holland, the only considerable article which we ourselves take of them, except linen, are toys; and to this we are induced, not because the Dutch are superior to our workmen in genius and dexterity (points in which they are not greatly celebrated), but because they work much cheaper. Nor is, 2ndly, the immediate transition from trade to manufacture altogether so fair. The Dutch, it is true, are principally our rivals in trade in general, and chiefly as carriers; but not so in manufacture, particularly in the woollen manufacture. Here our chief rivals are the French, amongst whom the price of labour is known to be considerably lower than with us. To this, among other causes (for I know there are others, and some very scandalous ones) they owe their success over us in the Levant. It is, indeed, a truth which needs no comment nor proof, that where goods are of equal value, the man who sells cheapest will have the most custom; and it as certainly true, that he who makes up his goods in the cheapest manner can sell them so.

3rdly, Sir Josiah asserts, 'That wherever wages are 'high, universally throughout the world, 'tis an infallible 'evidence of the riches of that country: and wherever 'wages for labour run low, it is a proof of the poverty

'of that place.'—If this be true, the concession will do him no service; for it will not prove, that to give high wages is the way to grow rich; since it is much more probable that riches would cause the advance of wages than that high wages should produce riches. This latter, I am sure, would appear a high solecism in private life, and I believe it is no less so in public.

4thly, His next assertion, *That to retrench by law the labour of our people is to drive them from us*, hath partly received an answer already. To give this argument any force, our wages must be reduced at least below the standard of other countries; which is, I think, very little to be apprehended; but, on the contrary, if the labourer should carry his demands ever so little higher, as may be reasonably expected, the consumption of many manufactures will not only be confined to our own people, but to a very few of those people.

Thus, I hope, I have given a full answer to this great man, whom I cannot dismiss without observing a manifest mistake of the question, which runs through all his arguments; all that he advances concluding, indeed, only to the *quantum* of wages which shall be given for labour. He seems rather to argue against giving too little than against regulating what is to be given; so that his arguments are more proper for the consideration of the justices at their meeting for settling the rates of wages than for the consideration of the legislature in a debate concerning the expediency of the above law. To evince the expediency of which I appeal to the concurrent sense of parliament in so many different ages; for this is not only testified expressly in the above statute of Elizabeth and James, but may be fairly implied from those of Edward VI. and George I. above recited.

I have moreover, I think, demonstrated, 1. The equity of this law; and that it is as much for the service of the

labourer as of his master. 2. The utility of it to trade: I shall only add the necessity of it, in order to execute the intention of the legislature, in compelling the idle to work; for is it not the same thing to have the liberty of working or not at your own pleasure, and to have the absolute nomination of the price at which you will work? the idleness of the common people in this town is, indeed, greatly to be attributed to this liberty; most of these, if they cannot exact an exorbitant price for their labour, will remain idle. The habit of exacting on their superiors is grown universal, and the very porters expect to receive more for their work than the salaries of above half the officers of the army amount to.

I conclude then that this law is necessary to be revived (perhaps with some enlargements), and that still upon one account more; which is, to enable the magistrate clearly to distinguish the corrigible from the incorrigible in idleness; for when the price of labour is once established, all those poor who shall refuse to labour at that price, even at the command of a magistrate, may properly be deemed incorrigibly idle.

For these the legislature have, by several acts of parliament, provided a punishment, by commitment to Bridewell, either for more or less time; and a very severe punishment this is, if being confirmed in habits of idleness, and in every other vicious habit, may be esteemed so.

These houses are commonly called houses of correction, and the legislature intended them certainly for places of correction of idleness at least; for in many acts, where persons are ordered to be committed to Bridewell, it is added, *there to be kept to hard labour;* nay, in the statute of Jac. I.* these houses of correction are directed 'to be

* Chap. iv. These houses were first begun to be erected ann. 13 Eliz.

'built with a convenient backside adjoining, together 'with mills, turns, cards, and such like necessary im- 'plements, to set rogues and other idle people on work.' Again, in the same statute, authority is given to the master or governor 'To set to work such rogues, vaga- 'bonds, idle and disorderly persons, as shall be brought 'or sent unto the said house (being able) while they shall 'continue in the said house, and to punish them, by put- 'ting fetters on them, and by whipping; nor are the 'said rogues, &c., to have any other provision than what 'they shall earn by their labour.'

The erection of these houses, as is usual with new institutions, did at first greatly answer the good purposes for which they were designed, insomuch that my lord Coke observes, 'That upon the making of the statute '39 Eliz. for the erection of houses of correction, and 'a good space after, whilst justices of peace and other 'officers were diligent and industrious, there was not a 'rogue to be seen in any part of England.' And again he prophesies, that 'from the erection of these houses we 'shall have neither beggar nor idle person in the com- 'monwealth.' *

But this great man was a much better lawyer than he was a prophet; for whatever these houses were designed to be, or whatever they at first were, the fact is, that they are at present, in general, no other than schools of vice, seminaries of idleness, and common-sewers of nastiness and disease. As to the power of whipping, which the act of James I. vests in the governor, that, I believe, is very seldom used, and perhaps when it is, not properly applied. And the justice in very few instances (in none

the prison for idleness being, before that time, the stocks. In the 11th year of Henry VII. vagabonds, beggars, &c. are ordered to be set three days and three nights in the stocks.

* 2 Inst. 729.

of idleness) hath any power of ordering such punishment.*

And with regard to work, the intention of the law is, I apprehend, as totally frustrated. Insomuch, that they must be very lazy persons indeed who can esteem the labour imposed in any of these houses as a punishment. In some, I am told, there is not any provision made for work. In that of Middlesex in particular the governor hath confessed to me, that he hath had no work to employ his prisoners, and hath urged as a reason, that having generally great numbers of most desperate felons under his charge, who, notwithstanding his utmost care, will sometimes get access to his other prisoners, he dares not trust those who are committed to hard labour with any heavy or sharp instruments of work, lest they should be converted into weapons by the felons.

What good consequence then can arise from sending idle and disorderly persons to a place where they are neither to be corrected nor employed; and where, with the conversation of many as bad, and sometimes worse than themselves, they are sure to be improved in the knowledge, and confirmed in the practice of iniquity? Can it be conceived that such persons will not come out of these houses much more idle and disorderly than they went in? The truth of this I have often experienced in the behaviour of the wretches brought before me; the most impudent and flagitious of whom have always been such as have been before acquainted with the discipline of Bridewell; a commitment to which place, though it often causes great horror and lamentation in the novice, is usually treated with ridicule and contempt by those who have already been there.

* By the last vagabond act, which repeals all the former, rogues and vagabonds are to be whipt, or sent to the house of correction.

For this reason, I believe, many of the worthiest magistrates have, to the utmost of their power, declined a rigorous execution of the laws for the punishment of idleness, thinking that a severe reprimand might more probably work the conversion of such persons than the committing them to Bridewell. This I am sure may with great certainty be concluded, that the milder method is less liable to render what is bad worse, and to complete the destruction of the offender.

But this is a way of acting, however worthy be the motive, which is sometimes more justifiable to a man's own conscience than it would be in the court of King's Bench, which requires the magistrate to execute the laws entrusted to his care, and in the manner which those laws prescribe. And besides the indecency of shewing a disregard to the laws in being, nothing surely can be more improper than to suffer the idleness of the poor, the cause of so much evil to the society, to go entirely unpunished.

And yet, should the magistrate do his duty as he is required, will the intent and purpose of the legislature be answered? The parliament was, indeed, too wise to punish idleness barely by confinement. Labour is the true and proper punishment of idleness, for the same reason which the excellent Dr. Swift gives why death is the proper punishment of cowardice. Where then is the remedy? Is it to enforce the execution of the law as it now stands, and to reform the present conduct of the several Bridewells? This would, I believe, be as difficult a work as the cleansing the Augean stables of old; and would require as extraordinary a degree of political as that did of natural strength to accomplish it. In truth, the case here is the same as with the overseers before; the trust is too great for the person on whom it devolves; and though these houses

are in some measure under the inspection of the justices of peace, yet this in the statute is recommended in too general a manner to their care, to expect any good fruits from it. As 'to the true and faithful account 'which they are to yield to the justices, at the sessions, 'of the persons in their custody,' this is at present little more than matter of form; nor can it be expected to be any other in the hurry of a public sessions, and when the stench arising from the prisoners is so intolerable that it is difficult to get any gentlemen to attend the court at that time. In the last vagrant act indeed two justices are appointed twice, or oftener, every year to examine into the state and nature of houses of correction, &c., yet, as it gives them no power but of reporting to the sessions, I believe it hath not produced any good effect; for the business of the sessions is so complicated and various that it happens, as in all cases where men have too much to do, that they do little or nothing effectually. Perhaps, indeed, if two or more justices of the peace were appointed to meet once every month at some convenient place, as near as possible to the Bridewell, there to summon the governor before them, to examine the accounts of his stock and implements for work, and to make such orders (under what restrictions the parliament shall think proper) as to such justices shall seem requisite; this might afford a palliative at least. In short, the great cure for idleness is labour; and this is its only proper punishment; nor should it ever be in the power of the idle person to commute this punishment for any other.

In the reign of Edward VI.* a most severe law indeed was made for the punishment of idleness.—'If 'any person,' says the statute, 'shall bring to two

* 1 Edward VI. 13 Rep.

'justices of peace any runagate servant, or any other 'which liveth idly and loiteringly by the space of 'three days, the said justices shall cause the said 'idle and loitering servant or vagabond to be marked 'with an hot iron on the breast with the letter V, and 'adjudge him to be slave to the same person that 'brought and presented him, to have to him, his 'executors and assigns, for two years, who shall take 'the said slave, and give him bread, water, or small 'drink, and refuse meat, and cause him to work by 'beating, chaining, or otherwise, in such work and 'labour as he shall put him, be it never so vile. And 'if such slave absent himself from his master within 'the term, by the space of fourteen days, he shall be 'adjudged by two justices of the peace to be marked on 'the forehead, or the ball of the cheek, with a hot iron, 'with the sign of an S, and shall be adjudged to be 'slave to his said master for ever; and, if the said 'slave shall run away a second time he shall be ad-'judged a felon.'

This statute lived no longer than two years, indeed it deserved no longer a date; for it was cruel, unconstitutional, and rather resembling the cruel temper of a Draco than the mild spirit of the English law. But, *est modus;* there is a difference between making men slaves and felons, and compelling them to be subjects; in short, between throwing the reins on the neck of idleness, and riding it with spurs of iron.

Thus have I endeavoured to give the reader a general idea of the laws which relate to this single point of employing the poor; and, as well as I am able to discern, of their defects, and the reasons of those defects. I have likewise given some hints for the cure, and have presumed to offer a plan, which, in my humble opinion, would effectually answer every purpose desired.

But till this plan shall be produced; or (which is more to be expected) till some man of greater abilities, as well as of greater authority, shall offer some new regulation for this purpose; something at least ought to be done to strengthen the laws already made, and to enforce their execution. The matter is of the highest concern, and imports us not only as we are good men and good Christians, but as we are good Englishmen; since not only preserving the poor from the highest degrees of wretchedness, but the making them useful subjects, is the thing proposed; *A work*, says Sir Josiah Child,* *which would redound some hundred of thousands per annum to the public advantage.* Lastly, it is of the utmost importance to that point which is the subject matter of this treatise, for which reason I have thought myself obliged to give it a full consideration. 'The 'want of a due provision,' says Lord Hale,† 'for 'education and relief of the poor in a way of industry, 'is that which fills the gaols with malefactors, and fills 'the kingdom with idle and unprofitable persons, that 'consume the stock of the kingdom without improving 'it, and that will daily increase, even to a desolation 'in time. And this error in the first concoction is 'never remediable but by gibbets and whipping.'

In serious truth, if proper care should be taken to provide for the present poor, and to prevent their increase by laying some effectual restraints on the extravagance of the lower sort of people, the remaining part of this treatise would be rendered of little consequence; since few persons, I believe, have made their exits at Tyburn who have not owed their fate to some of the causes before mentioned. But as I am not too

* Page 88.

† At the end of his discourse touching the relief of the poor.

sanguine in my expectations on this head, I shall now proceed to consider of some methods to obviate the frequency of robberies, which, if less efficacious, are, perhaps, much easier than those already proposed. And if we will not remove the temptation, at least we ought to take away all encouragement to robbery.

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## SECTION V.

### *Of the punishment of receivers of stolen goods.*

Now one great encouragement to theft of all kinds is the ease and safety with which stolen goods may be disposed of. It is a very old and vulgar, but a very true saying, 'That if there were no receivers there would be no 'thieves.' Indeed could not the thief find a market for his goods, there would be an absolute end of several kinds of theft; such as shop-lifting, burglary, &c., the objects of which are generally goods and not money. Nay, robberies on the highway would so seldom answer the purpose of the adventurer, that very few would think it worth their while to risk so much with such small expectations.

But at present, instead of meeting with any such discouragement, the thief disposes of his goods with almost as much safety as the honestest tradesman: for first, if he hath made a booty of any value, he is almost sure of seeing it advertised within a day or two, directing him *to bring the goods to a certain place where he is to receive a reward* (sometimes the full value of the booty) *and no questions asked.* This method of recovering stolen goods by the owner, a very learned judge formerly declared to have been, in his opinion, a composition of felony.

And surely if this be proved to be carried into execution, I think it must amount to a full conviction of that crime. But, indeed, such advertisements are in themselves so very scandalous, and of such pernicious consequence, that if men are not ashamed to own they prefer an old watch or a diamond ring to the good of the society, it is pity some effectual law was not contrived to prevent their giving this public countenance to robbery for the future.

But if the person robbed should prove either too honest, or too obstinate, to take this method of recovering his goods, the thief is under no difficulty in turning them into money. Among the great number of brokers and pawnbrokers several are to be found, who are always ready to receive a gold watch at an easy rate, and where no questions are asked, or at least, where no answer is expected but such as the thief can very readily make.

Besides, the clandestine dealers this way, who satisfy their consciences with telling a ragged fellow, or wench, that *they hope* they came honestly by silver, and gold, and diamonds; there are others who scorn such pitiful subterfuges, who engage openly with the thieves, and who have warehouses filled with stolen goods only. Among the Jews, who live in a certain place in the city, there have been, and perhaps still are, some notable dealers this way, who, in an almost public manner, have carried on a trade for many years with Rotterdam, where they have their warehouses and factors, and whither they export their goods with prodigious profit, and as prodigious impunity. And all this appeared very plainly last winter in the examination of one Cadosa, a Jew, in the presence of the late excellent Duke of Richmond, and many other noblemen and magistrates.

What then shall we say? is not this mischief worthy

of some remedy, or is it not capable of it? the noble duke (one of the worthiest of magistrates, as well as of the best of men) thought otherwise, as would have appeared, had his valuable life, for the good of mankind, been prolonged.

Certain it is, that the law, as it now stands, is ineffectual to cure the evil. Let us see therefore, if possible, where the defect lies.

At the common law, any one might lawfully (says Lord Hale) have received his own goods from the felon who stole them.* But, if he had received them upon agreement not to prosecute, or to prosecute faintly, this would have been theftbote, punishable by imprisonment and ransom.

But in neither of the foregoing cases would the receiver of the goods have become an accessary to the felon. So if one man had bought another's goods of the thief, though he had known them to be stolen, if he had given the just value for them, he would not have become an accessary.† But if he had bought them at an undervalue, this, Sir Richard Hyde held, would have made him an accessary. My Lord Hale differs from his opinion, and his reason to some readers may seem a pleasant one; *For if there be any odds* (says he) *he that gives more benefits the felon more than he that gives less than value.* However, this, his lordship thinks, may be a misdemeanor punishable by fine and imprisonment; but that the bare receiving of goods, knowing them to be stolen, makes not an accessary.

So says the great Lord Hale, and so indeed was the law; though the judges seem not to have been unanimous in their opinion. In the book of *Assizes*,‡ Scrope

* Hist. P. C. vol. I. p. 546, 619. ib. † Hist. P. C. ubi supra.
‡ 27 Assiz. 69.

is said to have held otherwise; and though Shard there quashed an appeal of felony for receiving stolen goods only, yet I cannot help observing, that the reporter of the case hath left a note of astonishment at the judgment of the court. This, says he, was wonderful! and wonderful surely it is, if he who receives, relieves, comforts, or assists a felon, shall be an accessary, that he shall not be so, who knowingly buys the goods of the felon; which is generally, I believe, the strongest relief, comfort, and assistance which can be given him, and without the hope and expectation of which, he would never have committed the theft or robbery.

It is unnecessary, however, to enter farther into this controversy; since it is now expressly declared by statute,* 'That the receivers of stolen goods, knowing them 'to be stolen, shall be deemed accessaries after the fact.'

But this statute, though it removed the former absurdity of the law, was not sufficient to remedy the evil; there yet remaining many difficulties in bringing these pernicious miscreants to justice, consistent with legal rules. For,

1. As the offence of the accessary is dependent on that of the principal, he could not be tried or outlawed, till after the conviction or attainder of the principal; so that however strong evidence there might be against the receiver, he was still safe, unless the thief could be apprehended.

2. If the thief on his trial should be acquitted, as often happens through some defect of evidence in the most notorious cases, the receiver, being only an accessary, though he hath confessed his crime, or though the most undeniable evidence could be brought against him, must be acquitted likewise.

* 3 and 4 W. and M. c. ix.

3. In petit larceny there can be no such accessary:* for though the statute says, that a receiver of stolen goods, knowing, &c. shall be an accessary after the fact, that is legally understood to mean only in cases where such accessary may be by law; and that is confined to such felonies as are to receive judgment of death, or to have the benefit of clergy. Now, for petit larceny, which is the stealing goods of less value than a shilling, the punishment at common law is whipping; and this was properly enough considered as too trifling an offence to extend the guilt to criminals in a second degree. But since juries have taken upon them to consider the value of goods as immaterial, and to find upon their oaths, that what is proved to be worth several shillings, and sometimes several pounds, is of the value of tenpence, this is become a matter of more consequence. For instance, if a pickpocket steal several handkerchiefs, or other things, to the value of twenty shillings, and the receiver of these, knowing them to be stolen, is discovered, and both are indicted, the one as principal, the other as accessary, as they must be; if the jury convict the principal, and find the goods to be of as high value as a shilling, he must receive judgment of death; whereas, by finding the goods (which they do upon their oaths) to be of the value of ten-pence, the thief is ordinarily sentenced to be whipped, and returns immediately to his trade of picking pockets, and the accessary is of course discharged, and of course returns to his trade of receiving the booty. Thus the jury are perjured, the public highly injured, and two excellent acts of parliament defeated, that two miscreants may laugh at their prosecutors, and at the law.

The two former of these defects are indeed remedied

* Cro. Eliz. 750. Hale, Hist. vol. I. p. 530, 618.

by a later statute,* which enacts, 'That the buyers and 'receivers of stolen goods, knowing them to be stolen, 'may be prosecuted for a misdemeanor, and punished by 'fine and imprisonment, though the principal felon be 'not before convicted of felony.'

This last statute is again repeated in the 5th of Queen Anne; † and there the power of the court to punish in the case of the misdemeanor, is farther increased to any other corporal punishment, which the court shall think fit to inflict, instead of fine and imprisonment; and, in the case of the felony, the accessary is to receive judgment of death; but the benefit of clergy is not taken away. Lastly, By the statute of George II.‡ the receivers of stolen goods, knowing, &c. are to be transported for fourteen years. And by the same statute, every person taking money or reward, directly or indirectly, under pretence or upon account of helping any to stolen goods, unless such person apprehend and bring to his trial the felon, and give evidence against him, is made guilty of felony without benefit of clergy.

And thus stands the law at this day; which, notwithstanding the repeated endeavours of the legislature, experience shews us, is incapable of removing this deplorable evil from the society.

The principal defect seems, to me, to lie in the extreme difficulty of convicting the offender; for,

1. Where the thief can be taken, you are not at liberty to prosecute for the misdemeanor.

2. The thief himself, who must be convicted before the accessary is to be tried, cannot be a witness.

3. Without such evidence it is very difficult to convict of the knowledge, that the goods were stolen: which, in this case, can appear from circumstances only. Such are

* 3 and 4 W. and M. c. ix. † Chap. xxxi. ‡ Chap. xi.

principally, 1st, Buying goods of value, of persons very unlikely to be the lawful proprietors. 2ndly, Buying them for much less than their real value. 3rdly, Buying them, or selling them again, in a clandestine manner, concealing them, &c. None of these are commonly liable to be proved; and I have known a man acquitted, where most of these circumstances have appeared against him.

What then is to be done, to extirpate this stubborn mischief? To prove the pernicious consequence of which, I need, I think, only appeal to the sense of parliament, testified in so many repeated acts, and very strongly expressed in their preambles.

First, Might it not be proper to put an effectual stop to the present scandalous method of compounding felony by public advertisements in the newspapers? Might not the inserting such advertisements be rendered highly criminal in the authors of them, and in the printers themselves, unless they discover such authors?

2ndly, Is it impossible to find any means of regulating brokers and pawnbrokers? if so, what arguments are there against extirpating entirely a set of miscreants, which, like other vermin, harbour only about the poor, and grow fat by sucking their blood?

3rdly, Why should not the receiving stolen goods, knowing them to be stolen, be made an original offence? by which means the thief, who is often a paltry offender in comparison of the receiver, and sometimes his pupil, might, in little felonies, be made a witness against him; for thus the trial of the receiver would in no case depend on the trial or conviction of the thief.

4thly, Why may not the bare buying or taking to pawn stolen goods, above a certain value, be made evidence of receiving with knowledge, &c. unless the goods were bought in market overt (no broker's or pawn-

broker's shop to be reputed such market overt) or unless the defendant could prove, by a credible witness to the transaction, that he had good cause to regard the seller or pawner of the goods to be the real owner. If 20*s.* was the value limited, it would answer all the purposes contended for; and would in nowise interfere with the honest trade (if indeed it ever be so) between the pawnbroker and the poor.

If none of these methods be thought possible or proper, I hope better will be found out. Something ought to be done, to put an end to the present practice, of which I daily see the most pernicious consequences; many of the younger thieves appearing plainly to be taught, encouraged, and employed by the receivers.

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## SECTION VI.

### *Of laws relating to vagabonds.*

The other great encouragement to robbery, beside the certain means of finding a market for the booty, is the probability of escaping punishment.

First, then, the robber hath great hopes of being undiscovered; and this is one principal reason, why robberies are more frequent in this town, and in its neighbourhood, than in the remoter parts of this kingdom.

Whoever indeed considers the cities of London and Westminster, with the late vast addition of their suburbs, the great irregularity of their buildings, the immense number of lanes, alleys, courts, and bye-places; must think, that, had they been intended for the very purpose

of concealment, they could scarce have been better contrived. Upon such a view the whole appears as a vast wood or forest, in which a thief may harbour with as great security, as wild beasts do in the deserts of Africa or Arabia; for, by *wandering* from one part to another, and often shifting his quarters, he may almost avoid the possibility of being discovered.

Here, according to the method I have hitherto pursued, I will consider, what remedy our laws have applied to this evil, namely, the *wandering* of the poor, and whether and wherein these remedies appear defective.

There is no part of our ancient constitution more admirable than that which was calculated to prevent the concealment of thieves and robbers. The original of this institution is given to Alfred, at the end of his wars with the Danes, when the English were very much debauched by the example of those barbarians, and betook themselves to all manner of licentiousness and rapine. These evils were encouraged, as the historians say, by the vagabond state of the offenders, who, having no settled place of abode, upon committing any offence, shifted their quarters, and went where it was difficult to discover them. To remedy this mischief, therefore, Alfred having limited the shires or counties in a better manner than before, divided them into hundreds, and these again into tithings, decennaries, or ten families.*

Over every one of these tithings or decennaries, there

* 'By these ten families (says the annotator to Rapin) we are not to 'understand ten housekeepers, but ten lords of manors, with all their 'vassals, tenants, labourers and slaves; who, though they did not all live 'under their lord's roof, were all counted part of his family. As there 'were no little freeholders in those times, nor for long after, ten such 'families must occupy a large space of ground, and might well constitute 'a rural tithing.' But this rural tithing would be larger than the hundred itself; and the very name and office of a tithingman, continued in parishes to this day, shews that lords of manors could not be here meant.

was a chief, called a tithingman or burgh-holder, who had a power to call a court, and to try small offences; the greater being referred to that court, which was in like manner established over every hundred.

Every one of these heads of families were pledges to each other for the behaviour of all their family; and were likewise reciprocally pledges for each other to the hundred.

If any person was suspected of a crime, he was obliged to find security for his good behaviour out of the same hundred and tithing. This if he could not find, he had reason to apprehend being treated with great severity; and if any accused person, either before or after his finding bail, had fled from justice, the whole tithing and hundred should pay a fine to the king.

In case of the default of appearance in a decenner, his nine pledges had one-and-thirty days to bring the delinquent forth to justice. If this failed, then the chief of those decenners, by the vote of that and the neighbour decennaries, was to purge himself both of the guilt of the fact, and of being parties to the flight of the delinquent. And if they could not do this, then they were, by their own oaths, to acquit themselves, and to bind themselves to bring the delinquent to justice as soon as they could; and, in the mean time, to pay the damage out of the estate of the delinquent; and, if that were not sufficient, then out of their own estate.*

Every subject in the kingdom was registered in some tithing; only persons of the first rank had the privilege (says Mr. Rapin †) that their single family should make a tithing, for which they were responsible. 'All arch-'bishops, bishops, earls, barons, and all (says Bracton)

* Bacon's Histor. Disc. p. 43.

† Dissertation on the Government of the Anglo-Saxons.

'who have sok and sac, tol and team, and these kind 'of liberties, ought to have under their FRIDBURGH, all 'their knights, servants, esquires; and, if any of them 'prove delinquent, the lord shall bring him to justice, or 'pay his fine.'*

The master of the family was answerable for all who fed at his board, and were of his livery, and for all his servants of every kind, even for those who served him for their food only, without wages. These were said to be of his manupast; so were his guests; and if a man abode at any house but two nights, the master of that house was answerable for him.†

In a word, says Bracton, every man, as well freemen as others, ought to belong to some frankpledge (*i.e.* to some decenna) unless he be a traveller, or belong to the manupast of some other; or unless he give some countervailing security to the public, as dignity (viz. nobility) order (knighthood, or of the clergy) or estate (viz. either freehold in land, or personal effects, *res immobiles*) if he be a citizen.

By the laws of Edward the Confessor, every person, of the age of twelve years, ought to be sworn in a view of frankpledge, *That he will neither become a thief himself, nor be any wise accessary to theft.*

This court, Britton‡ tells us, was to be holden twice a year, which was afterwards reduced to once a year by *Magna Charta;* and no man, says the Mirror, was, by an ancient ordinance, suffered to remain in the kingdom, who was not enrolled *in decenna*, and had freemen for his pledges.§

Such was this excellent constitution, which even in Alfred's time, when it was in its infancy, wrought so

* Bract. l. iii. De Corona, cap. x. † Bract. ubi sup. Brit. 19. b.
‡ Brit. 36. b. § Mirr. chap. i. sect. 17, and chap. v. sect. 1.

admirable an effect, that Ingulphus says, a traveller might have openly left a sum of money safely in the fields and highways, and have found it safe and untouched a month afterwards.* Nay, William of Malmesbury tells us, the king ordered bracelets of gold to be hung up in the cross ways, as a proof of the honesty of his people, none ever offering to meddle with them.†

But this constitution would have been deficient, if it had only provided for the incorporating the subjects, unless it had confined them to the places where they were thus incorporated.

And therefore by the laws of Alured, or Canute, it was rendered unlawful for any of the decenners to depart from their dwelling, without the consent of their fellow-pledges; nor were they at liberty to leave the country, without the licence of the sheriff or governor of the same.‡

And if a person, who fled from one tithing, was received in another, the tithing receiving him should answer for his deed (*i.e.* by amercement) if he was there found.§

'Before this order was established,' says Rapin, 'the 'meaner sort of people might shift their quarters, by 'reason of their obscurity, which prevented them from 'being taken notice of. But it was impossible for them 'to change their habitation, after they were obliged to 'bring a testimonial from their tithing, to enable them 'to settle and be registered in another.' ||

'Whilst this ancient constitution remained entire, such 'peace,' says Lord Coke, 'was preserved within the 'realm, as no injuries, homicides, robberies, thefts, riots, 'tumults, or other offences, were committed; so as a man, 'with a white wand, might safely have ridden, before the

* Script. post. Bedam, p. 870. † Ib. p. 44. ‡ Bacon, p. 44.
§ Brit. ubi supra. || Rajin, ubi sup.

'conquest, with much money about him, without any 'weapon, through England.'* Nay, even in the tumultuous times of William the Conqueror, the historians tell us, there was scarce a robber to be found in the kingdom.

This view of frankpledge remained long after the conquest: for we find it twice repeated in one chapter of *Magna Charta*; † and there particularly it is said, *Fiat autem visus de frankpleg' sic videlicet* QUOD PAX NOSTRA TENEATUR. Nay Bracton, who wrote after that time, and Fleta after him, speak of frankpledge as then subsisting.

The statute of Marlborough likewise, which was made the 52nd of Henry III. mentions the same court; as doth Britton, who wrote still later, in many places. And in the 17th of Edward II. an act was made called *The statute for the view of Frankpledge.*‡

Nay, in the reign of Henry IV. we find an amercement for not coming to a view of frankpledge; and there the whole court of king's bench were of opinion, that every man, as well masters as servants, were obliged to repair to this court; § and though then possibly it was degenerated, and become little more than form.

But in process of time, this institution dwindled to nothing; so that Lord Coke might truly say, *Quod vera institutio illius curiæ evanuit, et velut umbra ejusdem adhuc remanet;* and a little after, speaking of the frankpledge, the *Decennarii*, and the *Decenna*, he says, 'They 'are names continued only as shadows of antiquity.' || Nay, this great man himself (if, after a most careful and painful perusal of all he hath writ, as well here as in his 4th Institute, and other places on the subject, I may be allowed to say so) seems to have no very clear idea

* 2 Instit. 73. † Chap. xxxiii.

‡ But this matter was before that transferred from the decennary court to the leets and sheriff's tourn.

§ Hill. 3 H. IV. Pl. 19. || 2 Inst. 71. 73.

concerning them; and might have fairly owned, of the original of the leet of frankpledge, what one of the sages doth of an hundred, in the book of Henry VII. 'That 'a hundred had existed above a hundred years; and 'therefore, as to the true definition of a hundred, and 'whether it was composed of a hundred towns, or a 'hundred lordships, and whether it had anciently more 'or less jurisdiction, he frankly owned that he knew 'nothing of the matter.' *

The statute of Marlborough † had perhaps given a fatal blow to the true and ancient use of the view of frankpledge; of which, as Lord Coke says,‡ the sheriffs had made an ill use; for, in the 3rd year of the succeeding king,§ we find the legislature providing against notorious felons, and such as be openly of evil fame, that they shall not be admitted to bail; and, in the 13th, the statute of Winchester entirely altered the law, and gave us a new constitution on this head.

1. By this act the whole hundred is made answerable in case of robberies.

2. In order to prevent the concealment of robbers in towns, it is enacted, 1. That the gates of all walled towns shall be shut from sun-setting to sun-rising. 2. A watch is appointed, who are to arrest all strangers. 3. No person is to lodge in the suburbs, nor in any place out of the town, unless his host will answer for him. 4. The bailiffs of towns shall make enquiry once within fifteen days at the farthest, of all persons lodged in the suburbs, &c., and of those who have received any suspicious persons.

3. To prevent the concealment of robbers without the

* 8 H. VII. 3 b.

† Chap. xxiv. By which justices in eyre are forbidden to amerce townships, because all of twelve years old were not sworn.

‡ 2 Instit. 147. § Westminster, 1 chap. xv.

towns, it is enacted, that the highways leading from one market-town to another shall be enlarged, and no bushes, woods, or dykes, in which felons may be concealed, shall be suffered therein.

4. Felons are to be pursued by hue and cry.

This statute, says Lord Coke, was made against a gang of rogues then called Roberdsmen, that took their denomination of one Robin Hood, who lived in Yorkshire in the reign of Richard I., and who, with his companions, harbouring in woods and deserts, committed a great number of robberies and other outrages on the subject. From this arch-thief a great number of idle and dissolute fellows, who were called Drawlatches, Ribauds, and Roberdsmen, took their rise, and infested this kingdom for above a century, notwithstanding the many endeavours of the legislature from time to time to suppress them.

In all these laws, the principal aim visibly was, to prevent idle persons wandering from place to place, which, as we have before seen, was one great point of the decennary constitution.

Thus by a law made in the 34th year of Edward III. a labourer departing from his service into another county was to be burned in the forehead with the letter F. And, by the same statute, if a labourer or servant do fly into a city or borough, the chief officer, on request, was to deliver him up.

Again, in the 7th year of Richard II. the justices of peace are ordered to examine vagabonds; and, if they have no sureties for their good behaviour, to commit them to prison.

In the 11th year of Henry VII. it was enacted, that vagabonds and idle persons shall be set on the stocks three days and three nights, and have no other sustenance but bread and water, and then shall be put out

of the town, and whosoever gave such idle persons relief forfeited 12*d.*

By 22 Henry VIII. persons calling themselves Egyptians shall not come into the realm, under penalty of forfeiting their goods; and, if they do not depart within fifteen days after they are commanded, shall be imprisoned.

By the 1 and 2 Philip and Mary,* Egyptians coming into the kingdom, and remaining here a month, are made guilty of felony without benefit of clergy.

And those who bring them into the realm forfeit 40*l.*

By the 5 Elizabeth the crime of felony without clergy is extended to all who are found in the company of Egyptians, or who shall counterfeit, transform, or disguise themselves as such.

By 22 Henry VIII. a vagabond taken begging shall be whipped, and then sworn to return to the place of his birth, or last abode for three years, there to put himself to labour.

By 27 Henry VIII. a valiant beggar or sturdy vagabond shall be whipped for the first offence, and sent to the place of his birth, &c. for the second, the upper part of the gristle of his right ear cut off; and if after that he be taken wandering in idleness, &c., he shall be adjudged and executed as a felon.

I shall mention no more acts (for several were made) between this and the 39th Elizabeth, when the former acts concerning vagabonds were all repealed, and the several provisions against them were reduced to one law.

This act, which contained many wholesome provisions, remained in force a long time, but at length was totally repealed by the 12th of Queen Anne; as this was again

* Chap. iv.

by the 13th George II. which last mentioned statute stands now repealed by another, made about six years ago.*

I have taken this short view of these repealed laws, in order to enforce two considerations. First, that the removal of an evil which the legislature have so often endeavoured to redress is of great importance to the society. 2ndly, That an evil which so many subsequent laws have failed of removing is of a very stubborn nature, and extremely difficult to be cured.

Here I hope to be forgiven when I suggest, that the law hath probably failed in this instance from want of sufficient direction to a single point. As on a former head the disease seems to be no other than *idleness*, so here *wandering* is the cause of the mischief, and that alone to which the remedy should be applied. This, one would imagine, should be the chief, if not sole intent, of all laws against vagabonds, which might, in a synonymous phrase, be called laws against wanderers. But as the word itself hath obtained by vulgar use a more complex signification, so have the laws on this head had a more general view than to extirpate this mischief; and by that means, perhaps, have failed of producing such an effect.

I will therefore confine myself, as I have hitherto done on this head, to the single point of preventing the poor from wandering, one principal cause of the increase of robbers; as it is the chief means of preserving them from the pursuit of justice. It being impossible for any thief to carry on his trade long with impunity among his neighbours, and where not only his person, but his way of life, must be well known.

Now to obviate this evil the law, as it now stands, hath

* 17 George II. c. 5.

provided in a twofold manner. 1. By way of prevention; and, 2. By way of remedy.

As to the first, the statute of Elizabeth declares,* that no person retained in husbandry, or in any art or science in the act mentioned,† after the time of his retainer is expired, shall depart out of any city, parish, &c., nor out of the county, &c., to serve in any other, unless he have a testimonial under the seal of the city or town corporate, or of the constable or other head officer, and two other honest householders of the city, town, or parish, where he last served, declaring his lawful departure, and the name of the shire and place where he served last. This certificate is to be delivered to the servant, and registered by the parson, for 2*d.*, and the form of it is given in the act.

And no person is to be retained in any other service, without shewing such testimonial to the chief officer of the town corporate, and in every other place to the constable, curate, &c., on pain of imprisonment, till he procure a testimonial; and, if he cannot procure such testimonial within twenty-one days he shall be whipped, and treated like a vagabond; so shall he be if found with a forged testimonial. And those who receive him without shewing such testimonial as aforesaid forfeit 5*l.*

As to the 2nd, the law hath been extremely liberal in its provisions. These are of two sorts, 1. Simply compulsory; and, 2. Compulsory with punishment. Under the former head may be ranged the several acts of parliament relating to the settlement, or rather removal of the poor.

As these statutes, though very imperfectly executed,

* 5 Eliz. c. iv. sect. 10, in force, though not in use.

† *I.e.* in almost every trade.

are pretty generally known (the nation having paid some millions to Westminster-hall for the knowledge of them), I shall mention them very slightly in this place.

The statute of Elizabeth, together with the wise execution of it, having made the poor an intolerable burden to the public, disputes began to arise between parishes, to whose lot it fell to provide for certain individuals; for the laws for confining the poor to their own homes being totally disregarded, these used to ramble wherever whim or conveniency invited them. The overseers of one parish were perhaps more liberal of the parochial fund than in another; or, sometimes, probably, the overseer of the parish A was a friend or relation of a poor person of the parish of B, who did not choose to work. From some such reason the poor of one parish began to bring a charge on another.

To remedy such inconveniences, immediately after the restoration,* a statute was made by which if any poor man likely to be chargeable came to inhabit in a foreign parish, unless in a tenement of 10*l.* a year, the overseers might complain to one justice within forty days, and then two justices were to remove the poor person to the place of his last legal settlement.

By a second act,† the forty days are to be reckoned after notice given in writing to the churchwarden or overseer by the poor person, containing the place of his abode, number of his family, &c.

But by the same statute the executing a public annual office during a year, or being charged with and paying to the public taxes, &c., or (if unmarried and not having a child) being lawfully hired into any parish, and serving for one year, or being bound apprentice by indenture,

* 13 and 14 Car. II. c. xii.

† 3 and 4 W. and M. c. xi. See 1 Jac. II. c. xvii.

and inhabiting, &c., are all made good settlements without notice.

By a third statute,* persons bringing a certificate signed by the overseers, &c., and allowed by two justices, cannot be removed till they become chargeable.

By a fourth,† no such certificate person shall gain a settlement by any other act than by *bona fide* taking a lease of a tenement of 10*l.* *per annum*, or by executing an annual office.

By a fifth,‡ no apprentice or hired servant of certificate person shall, by such service or apprenticeship, gain any settlement.

By a sixth, § no person by any purchase of which the consideration doth not *bona fide* amount to 30*l.* shall gain any settlement longer than while he dwells on such purchase.

So much for these laws of removal, concerning which there are several other acts of parliament, and law cases innumerable.

And yet the law itself is, as I have said, very imperfectly executed at this day, and that for several reasons.

1. It is attended with great trouble; for as the act of Charles II. *very wisely* requires two justices, and the Court of King's Bench requires them both to be present together (though they seldom are so), the order of removal is sometimes difficult to be obtained, and more difficult to be executed; for the parish to which the party is to be removed (perhaps with a family) is often in a distant county; nay, sometimes they are to be carried from one end of the kingdom to another.

2. It is often attended with great expense, as well

* 8 and 9 W. III. c. xxx.
† 9 and 10 W. III. c. xi.
‡ 12 Anne, c. xviii.
§ Geo. I. c. vii.

for the reason aforesaid as because the parish removing is liable to an appeal from the parish to which the poor is removed. This appeal is sometimes brought by a wealthy and litigious parish against a poor one, without any colour of right whatever.

3. The removal is often ineffectual; for, as the appeal is almost certain to be brought if an attorney lives in the neighbourhood; so is it almost as sure to succeed if a justice lives in the parish. And as for relief in the King's Bench, if the justices of peace will allow you to go thither (for that they will not always do) the delay, as well as the cost, is such, that the remedy is often worse than the disease.

For these reasons it can be no wonder that parishes are not very forward to put this law in execution. Indeed, in all cases of removal, the good of the parish, and not of the public, is consulted; nay, sometimes, the good of an individual only; and therefore the poor man who is capable of getting his livelihood by his dexterity at any handicraft, and likely to do it by his industry, is sure to be removed with his family; especially if the overseer, or any of his relations, should be of the same occupation; but the idle poor, who threaten to rival no man in his business, are never taken any notice of, till they become actually chargeable; and if, by begging or robbing, they avoid this, as it is no man's interest, so no man thinks it his duty to apprehend them.

It cannot therefore be expected, that any good of the kind I am contending for should be effected by this branch of the law; let us therefore, in the second place, take a view of that which is expressly levelled at vagrants, and calculated, as it appears, for the very purpose of suppressing wanderers.

To survey this branch will be easy, as all the laws

concerning vagrants are now reduced into one act of parliament; and it is the easier still, as this act is very clearly penned, and (which is not always the case) reduced to a regular and intelligible method.

By this act then three degrees of offences are constituted.

First, persons become idle and disorderly within the act, by, 1. Threatening to run away and to leave their wives or children to the parish. 2. Unlawfully returning to the place from whence they have been legally removed by the order of two justices, without bringing a certificate, &c. 3. Living idle without employment, and refusing to work for usual and common wages. 4. By begging in their own parishes.

Secondly, persons by, 1. Going about as patent-gatherers, or gatherers of alms under pretence of loss by fire, or other casualty; or, 2. Going about as collectors for prisons, gaols, or hospitals. 3. Being fencers and bearwards. 4. Or common players of interludes, &c. 5. Or minstrels, jugglers. 6. Pretending to be gypsies, or wandering in such habit. 7. Pretending to physiognomy, or like crafty science, &c. 8. Using any subtle craft to deceive and impose on any of his Majesty's subjects. 9. Playing or sitting at unlawful games. 10. Running away, and leaving wives or children, whereby they become chargeable to any parish. 11. Wandering abroad as petty chapmen or pedlars, not authorised by law. 12. Wandering abroad and lodging in alehouses, barns, out-houses, or in the open air, not giving a good account of themselves. 13. Wandering abroad and begging, pretending to be soldiers, mariners, seafaring men, or pretending to go to work at harvest. 14. Wandering abroad and begging, are to be deemed rogues and vagabonds.

Thirdly, 1. End-gatherers offending against the 13

George I. entituled, *An Act for the better Regulation of the Woollen Manufactures*, &c., being convicted of such offence; 2. Persons apprehended as rogues and vagabonds escaping; or, 3. refusing to go before a justice; or, 4. refusing to be examined on oath; or, 5. refusing to be conveyed by a pass; or, 6. on examination giving a false account of themselves, after warning of the punishment. 7. Rogues and vagabonds escaping out of the house of correction, &c., or, 8. those who have been punished as rogues and vagabonds, shall offend again as such, are made incorrigible rogues.

Now as to the first of these three divisions, it were to be wished, that persons who are found in alehouses, nighthouses, &c., after a certain hour at night, had been included; for many such, though of very suspicious characters, taken up at privy searches, fall not under any of the above descriptions. Some of these I have known discharged against whom capital complaints have appeared when it hath been too late. Why might not the justice be entrusted with a power of detaining any suspicious person who could produce no known housekeeper, or one of credit, to his character, for three days, within which time he might, by means of an advertisement, be viewed by numbers who have been lately robbed? some such have been, I know, confined upon an old statute as persons of evil fame, with great emolument to the public.

But I come to the second head, namely, of vagabonds; and here I must observe, that *wandering* is of itself made no offence: so that unless such wanderer be either a petty chapman, or a beggar or lodger in alehouses, &c., he is not within the act of parliament.

Now, however useful this excellent law may be in the country, it will by no means serve the purpose in this town; for, though most of the rogues who infest the

public roads and streets, indeed almost all the thieves in general, are vagabonds in the true sense of the word, being wanderers from their lawful place of abode, very few of them will be proved vagabonds within the words of this act of parliament. These vagabonds do, indeed, get their livelihood by thieving, and not as petty beggars or petty chapmen; and have their lodging not in ale-houses, &c., but in private houses, where many of them resort together, and unite in gangs, paying each 2*d. per* night for their beds.

The following account I have had from Mr. Welch, the high-constable of Holborn; and none who know that gentleman, will want any confirmation of the truth of it.

'That in the parish of St. Giles's there are great num-
'bers of houses set apart for the reception of idle persons
'and vagabonds, who have their lodgings there for two-
'pence a night; that in the above parish, and in St.
'George, Bloomsbury, one woman alone occupies seven
'of these houses, all properly accommodated with mise-
'rable beds from the cellar to the garret, for such two-
'penny lodgers: that in these beds, several of which are
'in the same room, men and women, often strangers to
'each other, lie promiscuously; the price of a double
'bed being no more than three-pence, as an encourage-
'ment to them to lie together; but as these places are
'thus adapted to whoredom, so are they no less provided
'for drunkenness, gin being sold in them all at a penny a
'quartern; so that the smallest sum of money serves for
'intoxication; that in the execution of search-warrants
'Mr. Welch rarely finds less than twenty of these houses
'open for the receipt of all comers at the latest hours;
'that in one of these houses, and that not a large one, he
'hath numbered fifty-eight persons of both sexes, the
'stench of whom was so intolerable that it compelled

'him in a short time to quit the place.' Nay, I can add, what I myself once saw in the parish of Shoreditch, where two little houses were emptied of near seventy men and women; amongst whom was one of the prettiest girls I had ever seen, who had been carried off by an Irishman, to consummate her marriage on her wedding-night in a room where several others were in bed at the same time.

If one considers the destruction of all morality, decency, and modesty; the swearing, whoredom, and drunkenness, which is eternally carrying on in these houses, on the one hand, and the excessive poverty and misery of most of the inhabitants on the other, it seems doubtful whether they are more the objects of detestation or compassion; for such is the poverty of these wretches, that, upon searching all the above number, the money found upon all of them (except the bride, who, as I afterwards heard, had robbed her mistress) did not amount to one shilling; and I have been credibly informed, that a single loaf hath supplied a whole family with their provisions for a week. Lastly, if any of these miserable creatures fall sick (and it is almost a miracle that stench, vermin, and want, should ever suffer them to be well) they are turned out in the streets by their merciless host or hostess, where, unless some parish officer of extraordinary charity relieves them, they are sure miserably to perish, with the addition of hunger and cold to their disease.

This picture, which is taken from the life, will appear strange to many; for the evil here described is, I am confident, very little known, especially to those of the better sort. Indeed this is the only excuse, and I believe the only reason, that it hath been so long tolerated; for when we consider the number of these wretches, which, in the outskirts of the town, amounts to a great many

thousands,* it is a nuisance which will appear to be big with every moral and political mischief. Of these the excessive misery of the wretches themselves, oppressed with want, and sunk in every species of debauchery, and the loss of so many lives to the public, are obvious and immediate consequences. There are some more remote, which, however, need not be mentioned to the discerning.

Among other mischiefs attending this wretched nuisance, the great increase of thieves must necessarily be one. The wonder in fact is that we have not a thousand more robbers than we have; indeed, that all these wretches are not thieves must give us either a very high idea of their honesty, or a very mean one of their capacity and courage.

Where then is the redress? Is it not *to hinder the poor from wandering*, and this by compelling the parish and peace officers to apprehend such wanderers or vagabonds, and by empowering the magistrate effectually to punish and send them to their habitations? Thus if we cannot discover, or will not encourage any cure for idleness, we shall at least compel the poor to starve or beg at home; for there it will be impossible for them to steal or rob without being presently hanged or transported out of the way.

* Most of these are Irish, against the importation of whom a severe law was made in the reign of Henry VI. and many of the repealed vagrant acts contained a clause for the same purpose.

## SECTION VII.

*Of apprehending the persons of felons.*

I COME now to a third encouragement which the thief flatters himself with; viz. in his hopes of escaping from being apprehended.

Nor is this hope without foundation: how long have we known highwaymen reign in this kingdom after they have been publicly known for such? Have not some of these committed robberies in open daylight, in the sight of many people, and have afterward rode solemnly and triumphantly through the neighbouring towns without any danger or molestation? This happens to every rogue who is become eminent for his audaciousness, and is thought to be desperate; and is, in a more particular manner, the case of great and numerous gangs, many of which have, for a long time, committed the most open outrages in defiance of the law. Officers of justice have owned to me, that they have passed by such with warrants in their pockets against them without daring to apprehend them; and, indeed, they could not be blamed for not exposing themselves to sure destruction; for it is a melancholy truth, that, at this very day, a rogue no sooner gives the alarm, within certain purlieus, than twenty or thirty armed villains are found ready to come to his assistance.

On this head the law may seem not to have been very defective in its cautions; First, by vesting not only the officers of justice, but every private man, with authority for securing these miscreants, of which authority it may be of service to the officers, as well as to the public in general, to be more particularly informed.

First, by * Westminster I. Persons of evil fame are to be imprisoned without bail. By the statute of Winchester † suspicious night-walkers are to be arrested and detained by the watch. A statute made in ‡ 5 Edw. III. reciting that many manslaughters, felonies, and robberies, had been done in times past, enacts, that if any person have an evil suspicion of such offenders, they shall be incontinently arrested by the constable, and shall be delivered to the bailiff of the franchise, or to the sheriff, to be kept in prison till the coming of the justices. The 34 § Edw. III. gives power to the justices of peace, *inter alia*, to enquire of wanderers, and such as will not labour, and to arrest and imprison suspicious persons, and to take sureties of the good behaviour of persons of evil fame, 'to the intent,' says the statute, 'that the 'people be not by such rioters, &c., troubled nor en-'damaged, nor the peace blemished, nor merchants nor 'others passing by the highways of the realm disturbed, 'nor put in peril by such offenders.'

Secondly, by the common law every person who hath committed a felony may be arrested and secured by any private man present at the said fact, though he hath no general nor particular authority, *i.e.* though he be no officer of justice, nor have any writ or warrant for so doing; and such private man may either deliver the felon to the constable, secure him in a gaol, or carry him before a magistrate. || And if he refuses to yield, those who arrest may justify beating ¶ him; or, in case of absolute necessity, killing him. **

Nor is this arrest merely allowed; it is enjoined by law, and the omission, without some good excuse, is a

* Westm. I. chap. xv.
† Winton. chap. iv.
‡ 5 Edw. III. chap. xiv.
§ 34 Edw. III. c. i.
|| Hale's Hist. P. C. vol. I. 587. vol. 77.
¶ Plut. 10. a.
** Hale's Hist. vol. I. 588.

misdemeanour punishable by amercement or fine and imprisonment.*

Again, every private man may arrest another on suspicion of felony, though he was not present at the fact.† But then, if the party arrested should prove innocent, two circumstances are necessary to justify the arrest. 1st, A felony must be actually committed; and, 2dly, there must be a reasonable cause of suspicion‡; and common fame hath been adjudged to be such cause.§

But in this latter case my Lord Hale advises the private person, if possible, to have recourse to the magistrate and obtain his warrant, and the assistance of the‖ constable; for this arrest is not required by law, nor is the party punishable for neglecting it; and should the person arrested, or endeavoured to be arrested, prove innocent, the party arresting him, &c. will, in a great measure, be answerable for the ill consequence; which, if it be the death of the innocent person occasioned by force or resistance, this will, at least, be man-slaughter; and if the other should be killed in the attempt, this likewise will amount to man-slaughter only.¶

Again, any private person may justify arresting a felon pursued by hue and cry. This, as the word imports, is a public alarm raised all over the country, in which the constable is first to search his own vill or division, and then to raise all the neighbouring vills about, who are to pursue the felon with horse and** foot. And this hue and cry may either be after a person certain, or on a robbery committed where the person

* Hale, vol. I. 588. vol. II. 76. 77.

† Lamb. l. ii. c. 3. Dalt. 403. Hale's Hist. vol. I. 588. 3 Hen. VII. c. i.

‡ Hale's Hist. vol. II. 80. § Dalt. 407. 5 H. VII. 4, 5.

‖ Hale's Hist. vol. ii. 76. ¶ Hale's Hist. vol. II. 82—3—4.

** Hale's Hist. vol. II. 101.

is not known; and in the latter case those who pursue it may take such persons as they have probable cause to suspect,* vagrants, &c.

This method of pursuit lies at the common law, and is mentioned by Bracton;† and it is enforced by many statutes, as by‡ Westm. 1. 'All are to be ready at 'the summons of the sheriff, and at the cry of the 'county, to arrest felons as well within franchises as 'without.' By 4 Edw. I. 'Hue and cry is ordered to 'be levied for all murders, burglaries, men slain, or in 'peril to be slain, and all are to follow it.' And, lastly, the statute of Winton enacts as we have seen before.

And this pursuit may be raised, 1. By a private person. 2. By the country without an officer. 3. By an officer without a warrant. 4. By the warrant of a magistrate. And this last, if it can be obtained, is the safest way; for then all who assist are enabled by the statutes 7 and 21 Jac. to plead the general issue.§

The common law so strictly enjoined this pursuit, that if any defect in raising it lay in the lord of the franchise, the franchise should be seized into the king's hands; and, if the neglect lay in the bailiff, he should have a heavy fine, and a year's imprisonment, or suffer two years' imprisonment without a fine.‖ And now, by a very late¶ statute, 'If any constable, headborough, '&c., of the hundred where any robberies shall happen, 'shall refuse or *neglect* to make hue and cry after the 'felons with the utmost expedition, as soon as he shall 'receive notice thereof, he shall, for every such refusal 'and neglect, forfeit 5*l.*, half to the king and half to 'the informer.'

Now hue and cry is of three different kinds: 1.

* Hale's Hist. vol. II. 102.
† Lib. iii. c. i.
‡ Cap. ix.
§ Hale's Hist. vol. I. 405. vol. II. 99, 100.
‖ Fleta, l. i. c. 24. ad Init.
¶ 8 Geo. II. c. 16.

Against a person certain by name. 2. Against a person certain by description. 3. On a robbery, burglary, &c., where the person is neither known nor capable of being described.

When a hue and cry is raised, every private man is not only justified in pursuing, but may be obliged, by command of the constable, to pursue the felon, and is punishable, if he disobey, by fine and imprisonment.* And in this case, whether a felony was committed or not, or whether the person arrested (provided he be the person named or described by the hue and cry) be guilty or innocent, or of evil or good fame, the arrest is lawful and justifiable, and he who raised the hue and cry is alone to answer for the justice of it.†

In this pursuit likewise the constable may search suspected houses, if the doors be open; but breaking the door will not be justifiable, unless the felon be actually in the house: nor even then, unless admittance hath been first demanded and denied.‡ And what the constable may do himself will be justifiable by any other in his assistance, at least, by his command.§ Indeed a private person may justify the arrest of an offender by the command of a peace-officer; for he is bound to be aiding and assisting to such officer, is punishable for his refusal, and is consequently under the protection of the law.‖

Lastly, a private person may arrest a felon by virtue of a warrant directed to him; for though he is not bound to execute such warrant, yet if he doth, it is good and justifiable.¶

* Hale's Hist. vol. I. 58. vol. II. 104.

† 29 Ed. III. 39. 35 Hen. IV. Pl. 24. Hale's Hist. vol. II. 101—2.

‡ Ib. 102, 103.

§ Hale's Hist. vol. II. 104.

‖ Pult. 6. 15. Hale's Hist. vol. II. 86.

¶ Dalt. 408. Hale's Hist. vol. II. 86.

Thirdly, officers of public justice may justify the arrest of a felon by virtue of their office, without any warrant. Whatever therefore a private person may do as above will certainly be justifiable in them.

And, as the arresting felons, &c., is more particularly their duty, and their fine will be heavier for the neglect, so will their protection by the law be the greater; for if, in arresting those that are *probably suspected*, the constable should be killed, it is murder; on the other hand, if persons pursued by these officers for felony, or *justifiable suspicion* thereof, shall resist or fly from them; on being apprehended shall rescue themselves, resist, or fly; so that they cannot *otherwise* be apprehended or re-apprehended, and are *of necessity* slain, it is no felony in the officers, or in their assistants, though possibly the parties killed are innocent; for, by resisting the king's authority in his officers, they draw their own blood on themselves.*

Again, to take a felon or suspected felon, the constable without any warrant may break open the door. But to justify this he must shew; 1. That the felon, &c. was in the house. 2. That his entry was denied. 3. That it was denied after demand and notice that he was constable.†

Lastly, a felon may be apprehended by virtue of a warrant issuing from a magistrate lawfully authorised; in the execution of which the officer hath the same power, and will, at least, have the same protection by law as in the arrest *virtute officii*. And this warrant, if it be specially directed to him, the constable may execute in any part within the jurisdiction of the magistrate; but he is only obliged to execute it within the division for which he is constable, &c.

* Dalt. 409. 13 Edw. IV. 4 & 9. 5 to 92. Hale's Hist. vol. II. 86, 90, 91.

† Ib. vol. I. 581. vol. II. 110.

In the execution of a warrant for felony the officer may break open the doors of the felon, or of any person where he is concealed; and the breaking the doors of the felon is lawful at all events, but in breaking those of a stranger the officer acts at his peril; for he will be a trespasser if the felon should not be there.*

Such are the powers which the law gives for the apprehending felons (for as to the particular power of sheriffs and coroners, and the process of superior courts, they may well be passed by in this place). Again, these powers we see are enforced with penalties; so that not only every officer of justice, but every private person, is obliged to arrest a known felon, and may be punished for the omission.

Nor does the law stop here. The apprehending such felons is not only authorised and enjoined, but even encouraged, with impunity to persons guilty themselves of felony, and with regard to others.

By 3 and 4 of †William and Mary, persons guilty of robbery in the highway, fields, &c., who, being out of prison, shall discover any two offenders to be convicted of such robbery, are entitled to his majesty's pardon of such robberies, &c., as they shall have then committed.

By 10 and 11 of ‡William III., this is extended to burglary, and such felonies as are mentioned in the act.

By the same act all persons who shall apprehend a felon for privately stealing goods to the value of 5*s.* out of shop, warehouse, coach-house, or stable, by night or by day (provided the felon be convicted thereof) shall be entitled to a certificate, which may be assigned once, discharging such apprehender or his assignee from all parochial offices in the parish or ward where such felony was

* Hale's Hist. vol. I. 582. vol. I. 117. 5 Co. 91. b.

† Chap. viii. ‡ Chap. xxiii.

committed. This certificate is to be enrolled by the clerk of the peace, and cannot be assigned after it hath been used.

If any man be killed by such housebreaker, &c., in the attempt to apprehend him, his executors or administrators shall be entitled to such certificate.

By the 3 and 4 of *W. and M. whoever shall apprehend and prosecute to conviction any robber on the highway, shall receive of the sheriff 40*l.* within a month after the conviction, for every offender; and in case of the death or removal of the sheriff, the money to be paid by the succeeding sheriff within a month after the demand and certificate brought. The sheriff on default forfeits double his sum, to be recovered of him by the party, his executors, &c.

And if the person be killed in this attempt by any such robber, the executors of such person, &c., are entitled to the reward, under the like penalty.

Again, by the same act, the horse, furniture, arms, money, or other goods, taken with such highwaymen, are given to the apprehender who shall prosecute to conviction, notwithstanding the right or title of his majesty, any body politic or lord of franchise, or of those who lent or let the same to hire to such robber, with a saving only of the right of such persons from whom such horses, &c., were feloniously taken.

By a statute of Queen Anne the 40*l.* reward is extended to burglary and housebreaking.

But though the law seems to have been sufficiently provident on this head, there is still great difficulty in carrying its purpose into execution, arising from the following causes.

1st, With regard to private persons, there is no country,

* Chap. viii. *ubi supra.*

I believe, in the world where that vulgar maxim so generally prevails, that what is the business of every man is the business of no man; and for this plain reason, that there is no country in which less honour is gained by serving the public. He therefore who commits no crime against the public is very well satisfied with his own virtue; far from thinking himself obliged to undergo any labour, expend any money, or encounter any danger, on such account.

2ndly, The people are not entirely without excuse from their ignorance of the law; for so far is the power of apprehending felons, which I have above set forth, from being universally known, that many of the peace-officers themselves do not know that they have any such power, and often, from ignorance, refuse to arrest a known felon till they are authorised by a warrant from a justice of peace. Much less then can the compulsory part to the private persons carry any terror of a penalty of which the generality of mankind are totally ignorant; and of inflicting which they see no example.

3rdly, So far are men from being animated with the hopes of public praise to apprehend a felon, that they are even discouraged by the fear of shame. The person of the informer is in fact more odious than that of the felon himself; and the thief-catcher is in danger of worse treatment from the populace than the thief.

Lastly, as to the reward, I am afraid that the intention of the legislature is very little answered. For, not to mention that the prosecutor's title to it is too often defeated by the foolish lenity of juries, who, by acquitting the prisoner of the burglary, and finding him guilty of the simple felony only, or by finding the goods to be less than the value of 5*s*., both often directly contrary to evidence, take the case entirely out of the act of parliament; and sometimes even when the felon is properly

convicted, I have been told that the money does not come so easily and fully to the pockets of those who are entitled to it as it ought.

With regard to the first and fourth of these objections, I choose to be silent: to prescribe any cure for the former I must enter into disquisitions very foreign to my present purpose; and for the cure of the latter, when I consider in whose power it is to remedy it, a bare hint will I doubt not suffice.

The second objection, namely, the excuse of ignorance, I have here endeavoured to remove, by setting forth the law at large.

The third therefore only remains, and to that I shall speak more fully, as the opinion on which it is founded is of the most pernicious consequence to the society; for what avail the best of laws if it be a matter of infamy to contribute towards their execution? The force of this opinion may be seen in the following instance: We have a law by which every person who drives more than six horses in a waggon forfeits as many horses as are found to exceed that number. This law is broken every day, and generally with impunity; for, though many men yearly venture and lose their lives by stealing horses, yet there are very few who dare seize a horse where the law allows and encourages it, when by such a seizure he is to acquire the name of an informer, so much worse is this appellation in the opinion of the vulgar than that of thief; and so much more prevalent is the fear of popular shame than of death.

This absurd opinion seems to have first arisen from the statute of 18* Elizabeth, entitled, *An Act to redress Disorders in common Informers.* By this statute it appears, that very wicked uses had been made of penal statutes

* Chap. v.

by these informers, who my Lord Coke calls *turbidum hominum genus*;* and says, 'That they converted many 'penal laws which were obselete, and in time grown im-'possible or inconvenient to be performed, into snares to 'vex and intangle the subject.'

By the statute itself it appears, that it was usual at that time among these persons to extort money of ignorant and fearful people by the terror of some penal law; for the breach of which the informer either instituted a process, or pretended to institute a process, and then brought the timorous party to a composition.

This offence therefore was by this act made a high misdemeanour, and punished with the pillory.

Now who, that knows any thing of the nature or history of mankind, doth not easily perceive here a sufficient foundation for that odium to all informers which have since become so general; for what is more common than from the abuse of anything to argue against the use of it, or to extend the obloquy from particulars to universals?

For this the common aptitude of men to scandal will sufficiently account; but there is still another and stronger motive in this case, and that is the interest of all those who have broken or who intend to break the laws. Thus the general cry being once raised against prosecutors on penal laws, the thieves themselves have had the art and impudence to join it, and have put their prosecutors on the footing of all others; nay, I must question whether, in the acceptation of the vulgar, a thief-catcher be not a more odious and contemptible name than even that of informer.

Nothing, I am sensible, is more vain than to encounter popular opinion with reason; nor more liable to ridicule than to oppose general contempt, and yet I will venture

* 3 Inst. c. lxxxvii.

to say, that if to do good to society be laudable, so is the office of a thief-catcher; and if to do this good at the extreme hazard of your life be honourable, then is this office honourable. True, it may be said, but he doth this with a view to a reward. And doth not the soldier and the sailor venture his life with the same view? for who, as a great man lately said, serves the public for nothing?

I know what is to be my fate in this place, or what would happen to one who should endeavour to prove that the hangman was a great and an honourable employment. And yet I have read, in Tournefort, of an island in the Archipelago where the hangman is the first and highest officer in the state. Nay, in this kingdom the sheriff himself (who was one of the most considerable persons in his county) is in law the hangman, and Mr. Ketch is only his deputy.

If to bring thieves to justice be a scandalous office, what becomes of all those who are concerned in this business, some of whom are rightly thought to be among the most honourable officers in government? If on the contrary this be, as it surely is, very truly honourable, why should the post of danger in this warfare alone be excluded from all share of honour.

To conclude a matter in which, though serious, I will not be too tedious, what was the great Pompey in the piratic war?* what Hercules, Theseus, and the other heroes of old, *Deorum in templa recepti*—Were they not the most eminent of thief catchers?

* Cicero, in his Oration *pro Lege Manilia*, calls this, if I remember rightly, *Bellum Turpe;* but speaks of the extirpation of these robbers as of the greatest of all Pompey's exploits.

## SECTION VIII.

*Of the difficulties which attend prosecutions.*

I NOW come to a fourth encouragement which greatly holds up the spirit of robbers, and which they often find to afford no deceitful consolation; and this is drawn from the remissness of prosecutors, who are often,

1. Fearful, and to be intimidated by the threats of the gang; or,

2. Delicate, and cannot appear in a public court; or,

3. Indolent, and will not give themselves the trouble of a prosecution; or,

4. Avaricious, and will not undergo the expence of it; nay, perhaps, find their account in compounding the matter; or,

5. Tender-hearted, and cannot take away the life of a man; or,

Lastly, Necessitous, and cannot really afford the cost, however small, together with the loss of time which attends it.

The first and second of these are too absurd, and the third and fourth too infamous, to be reasoned with. But the two last deserve more particular notice, as the fifth is an error springing originally out of a good principle in the mind, and the sixth is a fault in the constitution very easily to be remedied.

With regard to the former of these, it is certain that a tender-hearted and compassionate disposition, which inclines men to pity and feel the misfortunes of others, and which is, even for its own sake, incapable of involving any man in ruin and misery, is of all tempers of mind the most amiable; and though it seldom receives much

honour, is worthy of the highest. The natural energies of this temper are indeed the very virtues principally inculcated in our excellent religion; and those who, because they are natural, have denied them the name of virtues seem not, I think, to be aware of the direct and impious tendency of a doctrine that denies all merit to a mind which is naturally, I may say necessarily good.

Indeed the passion of love or benevolence, whence this admirable disposition arises, seems to be the only human passion that is in itself simply and absolutely good; and in Plato's commonwealth, or (which is more) in a society acting up to the rules of *Christianity*, no danger could arise from the highest excess of this virtue; nay, the more liberally it was indulged, and the more extensively it was expanded, the more would it contribute to the honour of the individual, and to the happiness of the whole.

But, as it hath pleased God to permit human societies to be constituted in a different manner, and knaves to form a part (a very considerable one I am afraid) of every community, who are ever laying in wait to destroy and ensnare the honest part of mankind, and to betray them by means of their own goodness, it becomes the good-natured and tender-hearted man to be watchful over his own temper; to restrain the impetuosity of his benevolence, carefully to select the objects of this passion, and not by too unbounded and indiscriminate an indulgence to give the reins to a courser which will infallibly carry him into the ambuscade of the enemy.

Our Saviour himself inculcates this prudence among his disciples, telling them, that he *sent them forth like sheep among wolves*; *be ye therefore*, says he, *wise as serpents, but innocent as doves.*

For want of this wisdom a benevolent and tender-hearted temper very often betrays men into errors not

only hurtful to themselves but highly prejudicial to the society. Hence men of invincible courage, and incorruptible integrity, have sometimes falsified their trust; and those whom no other temptation could sway have paid too little regard to the sanction of an oath from this inducement alone. Hence likewise the mischief which I here endeavour to obviate hath often arisen; and notorious robbers have lived to perpetrate future acts of violence, through the ill-judging tenderness and compassion of those who could and ought to have prosecuted them.

To such a person I would suggest these considerations:

First, As he is a good man, he should consider, that the principal duty which every man owes is to his country, for the safety and good of which all laws are established, and therefore his country requires of him to contribute all that in him lies to the due execution of those laws. Robbery is an offence not only against the party robbed but against the public, who are therefore entitled to prosecution, and he who prevents or stifles such prosecution is no longer an innocent man, but guilty of a high offence against the public good.

Secondly, As he is a good-natured man, he will behold all injuries done by one man to another with indignation. What Cicero says of a pirate is as true of a robber, that he is *hostis humani generis;* and if so I am sure every good-natured man must be an enemy to him. To desire to save these wolves in society may arise from benevolence, but it must be the benevolence of a child or a fool, who, from want of sufficient reason, mistakes the true objects of his passion, as a child doth when a bugbear appears to him to be the object of fear. Such tender-heartedness is indeed barbarity, and resembles the meek spirit of him who would not assist in blowing up his neighbour's house to save a whole city from the flames.

'It is true,' said a learned chief-justice,* in a trial for treason, 'here is the life of a man in the case, but then 'you (speaking to the jury) must consider likewise the 'misery and desolation, the blood and confusion, that 'must have happened had this taken effect; and put one 'against the other, I believe that consideration which is 'on behalf of the king will be much the stronger.' Here likewise is the life of a man concerned; but of what man? Why, of one who, being too lazy to get his bread by labour, or too voluptuous to content himself with the produce of that labour, declares war against the properties, and often against the persons, of his fellow-subjects; who deprives his countrymen of the pleasure of travelling with safety, and of the liberty of carrying their money or their ordinary conveniences with them; by whom the innocent are put in terror, affronted and alarmed with threats and execrations, endangered with loaded pistols, beat with bludgeons, and hacked with cutlasses, of which the loss of health, of limbs, and often of life, is the consequence; and all this without any respect to age, or dignity, or sex. Let the good-natured man, who hath any understanding, place this picture before his eyes, and then see what figure in it will be the object of his compassion.

I come now to the last difficulty which obstructs the prosecution of offenders; namely, the extreme poverty of the prosecutor. This I have known to be so absolutely the case, that the poor wretch who hath been bound to prosecute was under more concern than the prisoner himself. It is true that the necessary cost on these occasions is extremely small; two shillings, which are appointed by act of parliament for drawing the indictment, being, I think, the whole which the law

* Lord Chief Justice Pratt.

requires; but when the expense of attendance, generally with several witnesses, sometimes during several days together, and often at a great distance from the prosecutor's home; I say, when these articles are summed up, and the loss of time added to the account, the whole amounts to an expense which a very poor person, already plundered by the thief, must look on with such horror (if he should not be absolutely incapable of the expense) that he must be a miracle of public spirit if he doth not rather choose to conceal the felony, and sit down satisfied with his present loss; but what shall we say when (as is very common in this town) he may not only receive his own again, but be farther rewarded, if he will agree to compound it?

Now, how very inconsiderable would be the whole cost of this suit, either to the country or the nation, if the public to whom the justice of peace gives his whole labour on this head *gratis*, was to defray the cost of such trial (by a kind of *formâ pauperis* admission) the sum would be so trivial that nothing would be felt but the good consequences arising from such a regulation.

I shall conclude this head with the words of my Lord Hale: 'It is,' says he, 'a great defect in the law, to give 'courts of justice no power to allow witnesses against 'criminals their charges; whereby,' says he, 'many poor 'persons grow weary of their attendance, or bear their 'own charges therein, to their great hindrance and loss.'

## SECTION IX.

### *Of the trial and conviction of felons.*

But if, notwithstanding all the rubs which we have seen to lie in the way, the indictment is found, and the thief brought to his trial, still he hath sufficient hopes of escaping, either from the caution of the prosecutor's evidence or from the hardiness of his own.

In street-robberies the difficulty of convicting a criminal is extremely great. The method of discovering these is generally by means of one of the gang, who, being taken up perhaps for some other offence, and thinking himself in danger of punishment, chooses to make his peace at the expense of his companions.

But when, by means of this information, you are made acquainted with the whole gang, and have with great trouble, and often with great danger, apprehended them, how are you to bring them to justice? for though the evidence of the accomplice be ever so positive and explicit, nay, even so connected and probable, still, unless it be corroborated by some other evidence, it is not sufficient.

Now how is this corroborating evidence to be obtained in this case? Street-robberies are generally committed in the dark, the persons on whom they are committed are often in chairs and coaches, and if on foot the attack is usually begun by knocking the party down, and for the time depriving him of his senses. But if the thief should be less barbarous he is seldom so incautious as to omit taking every method to prevent his being known, by flapping the party's hat over his face, and by every other method which he can invent to avoid discovery.

But indeed any such methods are hardly necessary; for when we consider the circumstance of darkness, mentioned before, the extreme hurry of the action, and the terror and consternation in which most persons are in at such a time, how shall we imagine it possible that they should afterwards be able, with any (the least) degree of certainty, to swear to the identity of the thief, whose countenance is, perhaps, not a little altered by his subsequent situation, and who takes care as much as possible he can, by every alteration of dress, and otherwise, to disguise himself?

And if the evidence of the accomplice be so unlikely to be confirmed by the oath of the prosecutor, what other means of confirmation can be found? for as to his character, if he himself doth not call witnesses to support it (which in this instance is not incumbent on him to do), you are not at liberty to impeach it: the greatest and most known villain in England, standing at the bar equally *rectus in curia* with the man of highest estimation, if they should be both accused of the same crime.

Unless therefore the robbers should be so unfortunate as to be apprehended in the fact (a circumstance which their numbers, arms, &c., renders ordinarily impossible) no such corroboration can possibly be had; but the evidence of the accomplice standing alone and unsupported, the villain, contrary to the opinion, and almost direct knowledge of all present, is triumphantly acquitted, laughs at the court, scorns the law, vows revenge against his prosecutors, and returns to his trade with a great increase of confidence, and commonly of cruelty.

In a matter therefore of so much concern to the public I shall be forgiven if I venture to offer my sentiments.

The words of my Lord Hale are these: 'Though a

'*particeps criminis* be admissible as a witness in law, 'yet the credibility of his testimony is to be left to the 'jury; and truly it would be hard to take away the life 'of any person upon such a witness that swears to save 'his own, and yet confesseth himself guilty of so great 'a crime, unless there be also very considerable circum-'stances, which may give the greater credit to what he 'swears.'*

Here I must observe, that this great man seems rather to complain of the hardship of the law, in taking away the life of a criminal on the testimony of an accomplice, than to deny that the law was so. This indeed he could not well do; for not only the case of an approver, as he himself seems to acknowledge, but many later resolutions would have contradicted that opinion.

2ndly, He allows that the credibility of his testimony is to be left to the jury; and so is the credibility of all other testimonies. They are absolute judges of the fact; and God forbid that they should in all cases be tied down by positive evidence against a prisoner, though it was not delivered by an accomplice.

But surely, if the evidence of an accomplice be not sufficient to put the prisoner on his defence, but the jury are directed to acquit him, though he can produce no evidence on his behalf, either to prove an *alibi* or to his character, the credibility of such testimony cannot well be said to be left to a jury. This is virtually to reject the competency of the witness; for to say the law allows him to be sworn, and yet gives no weight to his evidence, is, I apprehend, a mere play of words, and conveys no idea.

In the third place, this great man asserts the hardship of such conviction.—Now if the evidence of a supposed

* Hale's Hist. vol. I. 305.

accomplice should convict a man of fair and honest character; it would, I confess, be hard; and it is a hardship of which, I believe, no experience can produce any instance. But if, on the other hand, the testimony of an accomplice with every circumstance of probability attending it against a vagabond of the vilest character, and who can produce no single person to his reputation, is to be absolutely rejected, because there is no positive proof to support it; this, I think, is in the highest degree hard (I think I have proved how hard) to the society.

I shall not enter here into a disquisition concerning the nature of evidence in general; this being much too large a field; nor shall I examine the utility of those rules which our law prescribes on this head. Some of these rules might perhaps be opened a little wider than they are without either mischief or inconvenience; and I am the bolder in the assertion as I know a very learned judge who concurs with this opinion. There is no branch of the law more bulky, more full of confusion and contradiction, I had almost said of absurdity, than the law of evidence as it now stands.

One rule of this law is, that no man interested shall be sworn as a witness. By this is meant pecuniary interest; but are mankind governed by no other passion than avarice? Is not revenge the sweetest morsel, as a divine calls it, which the devil ever dropped into the mouth of a sinner? Are not pride, hatred, and the other passions, as powerful tyrants in the mind of man; and is not the interest which these passions propose to themselves by the enjoyment of their object, as prevalent a motive to evil as the hope of any pecuniary interest whatever?

But, to keep more closely to the point—Why shall not any credit be given to the evidence of an accomplice?—

My Lord Hale tells us, that he hath been guilty of a great crime: and yet, if he had been convicted and burnt in the hand, all the authorities tell us, that his credit had been restored: a more miraculous power of fire than any which the *Royal Society* can produce. The same happens if he be pardoned.

Again, says Lord Hale, he swears to save his own life. This is not altogether so; for when once a felon hath impeached his companions, and is admitted an evidence against them, whatever be the fate of his evidence, the impeacher always goes free. To this, it is true, he hath no positive title, no more hath he, if a single felon be convicted on his oath. But the practise is as I mention, and I do not remember any instance to the contrary.

But what inducement hath the accomplice to perjure himself; or what reason can be assigned why he should be suspected of it? That he himself was one of the robbers appears to a demonstration; that he had accomplices in the robbery is as certain. Why then should he be induced to impeach A and B, who are innocent, and not C and D, who are guilty? Must he not think that he hath a better chance of convicting the guilty than the innocent? Is he not liable if he gives a false information to be detected in it? One of his companions may be discovered and give a true information, what will then become of him and his evidence? And why should he do this? From a motive of friendship? Do the worst of men carry this passion so much higher than is common with the best? But he must not only run the risk of his life but of his soul too. The very mention of this latter risk may appear ridiculous when it is considered of what sort of persons I am talking. But even these persons can scarce be thought so very void of understanding as to lose their souls for nothing, and to commit the horrid sins of perjury and murder without any

temptation, or prospect of interest, nay, even against their interest. Such characters are not to be found in history, nor do they exist any where but in distempered brains, and are always rejected as monsters when they are produced in works of fiction: for surely we spoil the verse rather than the sense by saying, *nemo* gratis *fuit turpissimus*. Under such circumstances, and under the caution of a good judge, and the tenderness of an English jury, it will be the highest improbability that any man should be wrongly convicted; and utterly impossible to convict an honest man: for I intend no more than that such evidence shall put the prisoner on his defence, and oblige him either to controvert the fact by proving an *alibi*, or by some other circumstance; or to produce some reputable person to his character. And this brings me to consider the second fortress of the criminal, in the hardiness of his own evidence.

The usual defence of a thief, especially at the Old Bailey, is an *alibi*;* to prove this by perjury is a common act of Newgate friendship; and there seldom is any difficulty in procuring such witnesses. I remember a felon within this twelvemonth to have been proved to be in Ireland at the time when the robbery was sworn to have been done in London, and acquitted; but he was scarce gone from the bar, when the witness was himself arrested for a robbery committed in London, at that very time when he swore both he and his friend were in Dublin; for which robbery, I think, he was tried and executed. This kind of defence was in a great measure defeated by the late Baron Thompson, when he was recorder of London, whose memory deserves great honour for the services he did the public in that post. These witnesses should always be examined with the utmost

* *I. e. That he was at another place at the time.*

care and strictness, by which means the truth (especially if there be more witnesses than one to the pretended fact) will generally be found out. And as to character, though I allow it to have great weight, if opposed to the single evidence of an accomplice, it should surely have but little where there is good and strong proof of the fact; and none at all unless it comes from the mouths of persons who have themselves some reputation and credit.

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## SECTION X.

### *Of the encouragement given to robbers by frequent pardons.*

I COME now to the sixth encouragement to felons, from the hopes of a pardon, at least with the condition of transportation.

This I am aware is too tender a subject to speak to. To pardon all crimes where the prosecution is in his name, is an undoubted prerogative of the king. I may add, it is his most amiable prerogative, and that which, as Livy observes,* renders kingly government most dear to the people: for in a republic there is no such power. I may add farther, that it seems to our excellent sovereign to be the most favourite part of his prerogative, as it is the only one which hath been carried to its utmost extent in the present reign.

Here therefore I beg to direct myself only to those persons who are within the reach of his majesty's sacred ear. Such persons will, I hope, weigh well what I

* Dec. 1. l. ii. cap. 3. Esse gratiæ locum, esse beneficio; et irasci et ignoscere posse (*Regem scilicet*); inter amicum atque inimicum discrimen nosse: leges, rem surdam, inexorabilem esse, &c.

have said already on the subject of false compassion, all which is applicable on the present occasion: and since our king (as was with less truth said of another*) *is of all men the truest image of his Maker in mercy*, I hope too much good-nature will transport no nobleman so far as it did once a clergyman in Scotland, who in the fervour of his benevolence prayed to God that he would graciously be pleased to pardon the poor devil.

To speak out fairly and honestly,† though mercy may appear more amiable in a magistrate, severity is a more wholesome virtue; nay, severity to an individual may, perhaps, be in the end the greatest mercy, not only to the public in general, for the reason given above, but to many individuals for the reasons to be presently assigned.

To consider a human being in the dread of a sudden and violent death: to consider that his life or death depend on your will; to reject the arguments which a good mind will officiously advance to itself; that violent temptations, necessity, youth, inadvertency, have hurried him to the commission of a crime which hath been attended with no inhumanity; to resist the importunities, cries, and tears, of a tender wife, and affectionate children, who, though innocent, are to be reduced to misery and ruin by a strict adherence to justice:—these altogether form an object which whoever can look upon without emotion must have a very bad mind; and whoever, by the force of reason, can conquer that emotion must have a very strong one.

And what can reason suggest on this occasion? First, that by saving this individual I shall bring many others into the same dreadful situation. That the passions of the man are to give way to the principles of the magistrate. Those may lament the criminal, but these must

* By Dryden of Charles I.

† Disc. l. iii. c. 3.

condemn him. It was nobly said by Bias to one who admired at his shedding tears while he passed sentence of death, 'Nature exacts my tenderness, but the law my 'rigour.' The elder Brutus* is a worthy pattern of this maxim; an example, says Machiavel, most worthy of being transmitted to posterity. And Dionysius Halicarnassus† calls it a *great and wonderful action, of which the Romans were proud in the most extraordinary degree.* Whoever derives it therefore from the want of humane and paternal affections is unjust; no instances of his inhumanity are recorded. 'But the severity,' says Machiavel, 'was not only profitable but necessary?' and why? Because a single pardon granted *ex meră gratiâ et favore*, is a link broken in the chain of justice, and takes away the concatenation and strength of the whole. The danger and certainty of destruction are very different objects, and strike the mind with different degrees of force. It is of the very nature of hope to be sanguine, and it will derive more encouragement from one pardon than diffidence from twenty executions.

It is finely observed by Thucydides,‡ 'That though 'civil societies have allotted the punishment of death to 'many crimes, and to some of the inferior sort, yet hope 'inspires men to face the danger; and no man ever came 'to a dreadful end who had not a lively expectation of 'surviving his wicked machinations.'—Nothing certainly can more contribute to the raising of this hope than repeated examples of ill-grounded clemency; for, as Seneca says, *ex clementiâ omnes idem sperant.*§

* He put his two sons to death for conspiring with Tarquin. Neither Livy nor Dionysius give any character of cruelty to Brutus; indeed the latter tells us, *that he was superior to all those passions which disturb human reason.* Τῶν ἐπιταραττοντων τȣς λογισμȣς παθῶν κάρτερος.

† Page 272. Edit. Hudson.

‡ P. 174, edit. Hudson.

§ De Clementia, lib. i. c. i.

Now what is the principal end of all punishment? is it not, as Lord Hale* expresses it, 'To deter men from the 'breach of laws, so that they may not offend, and so not 'suffer at all? And is not the inflicting of punishment 'more for example, and to prevent evil, than to punish?' And therefore, says he, presently afterwards, 'Death 'itself is necessary to be annexed to laws in many 'cases by the prudence of lawgivers, though possibly 'beyond the single merit of the offence simply con-'sidered.' No man indeed of common humanity or common sense can think the life of a man and a few shillings to be of an equal consideration, or that the law in punishing theft with death proceeds (as perhaps a private person sometimes may) with any view to vengeance. The terror of the example is the only thing proposed, and one man is sacrificed to the preservation of thousands.

If therefore the terror of this example is removed (as it certainly is by frequent pardons) the design of the law is rendered totally ineffectual; the lives of the persons executed are thrown away, and sacrificed rather to the vengeance than to the good of the public, which receives no other advantage than by getting rid of a thief, whose place will immediately be supplied by another. Here then we may cry out with the poet: †

*—— Savior Ense*
*Parcendi Rabies——————*

This I am confident may be asserted, that pardons have brought many more men to the gallows than they have saved from it. So true is that sentiment of Machiavel, that examples of justice are more merciful than the unbounded exercise of pity.‡

* Hale's Hist. vol. I. p. 13. † Claudian. ‡ In his Prince.

## SECTION XI.

### *Of the manner of execution.*

But if every hope which I have mentioned fails the thief: if he should be discovered, apprehended, prosecuted, convicted, and refused a pardon; what is his situation then? Surely most gloomy and dreadful, without any hope and without any comfort. This is, perhaps, the case with the less practised, less spirited, and less dangerous rogues; but with those of a different constitution it is far otherwise. No hero sees death as the alternative which may attend his undertaking with less terror, nor meets it in the field with more imaginary glory. Pride, which is commonly the uppermost passion in both, is in both treated with equal satisfaction. The day appointed by law for the thief's shame is the day of glory in his own opinion. His procession to Tyburn, and his last moments there, are all triumphant; attended with the compassion of the meek and tender-hearted, and with the applause, admiration, and envy, of all the bold and hardened. His behaviour in his present condition, not the crimes, how atrocious soever, which brought him to it, are the subject of contemplation. And if he hath sense enough to temper his boldness with any degree of decency, his death is spoken of by many with honour, by most with pity, and by all with approbation.

How far such an example is from being an object of terror, especially to those for whose use it is principally intended, I leave to the consideration of every rational man; whether such examples as I have described are

proper to be exhibited must be submitted to our superiors.

The great cause of this evil is the frequency of executions: the knowledge of human nature will prove this from reason; and the different effects which executions produce in the minds of the spectators in the country, where they are rare, and in London, where they are common, will convince us by experience. The thief who is hanged to-day hath learned his intrepidity from the example of his hanged predecessors, as others are now taught to despise death, and to bear it hereafter with boldness, from what they see to-day.

One way of preventing the frequency of executions is by removing the evil I am complaining of: for this effect in time becomes a cause; and greatly increases that very evil from which it first arose. The design of those who first appointed executions to be public, was to add the punishment of shame to that of death; in order to make the example an object of greater terror. But experience has shewn us that the event is directly contrary to this intention. Indeed, a competent knowledge of human nature might have foreseen the consequence. To unite the ideas of death and shame is not so easy as may be imagined; all ideas of the latter being absorbed by the former. To prove this, I will appeal to any man who hath seen an execution, or a procession to an execution; let him tell me, when he hath beheld a poor wretch, bound in a cart, just on the verge of eternity, all pale and trembling with his approaching fate, whether the idea of shame hath ever intruded on his mind? much less will the bold daring rogue, who glories in his present condition, inspire the beholder with any such sensation.

The difficulty here will be easily explained, if we have recourse to the poets (for the good poet and the good politician do not differ so much as some who know

nothing of either art affirm, nor would Homer or Milton have made the worst legislators of their times) the great business is to raise terror; and the poet will tell you that admiration, or pity, or both, are very apt to attend whatever is the object of terror in the human mind. That is very useful to the poet, but very hurtful on the present occasion to the politician, whose art is to be here employed to raise an object of terror, and at the same time, as much as possible, to strip it of all pity and all admiration.

To effect this, it seems that the execution should be as soon as possible after the commission and conviction of the crime; for if this be of an atrocious kind, the resentment of mankind being warm, would pursue the criminal to his last end, and all pity for the offender would be lost in detestation of the offence. Whereas, when executions are delayed so long as they sometimes are, the punishment and not the crime is considered; and no good mind can avoid compassionating a set of wretches who are put to death we know not why, unless, as it almost appears, to make a holiday for, and to entertain, the mob.

Secondly, It should be in some degree private. And here the poets will again assist us. Foreigners have found fault with the cruelty of the English drama, in representing frequent murders upon the stage. In fact, this is not only cruel but highly injudicious: a murder behind the scenes, if the poet knows how to manage it, will affect the audience with greater terror than if it was acted before their eyes. Of this we have an instance in the murder of the king in Macbeth, at which, when Garrick acts the part, it is scarce an hyperbole to say I have seen the hair of an audience stand on end. Terror hath, I believe, been carried higher by this single instance than by all the blood which hath been spilt on

the stage.—To the poets I may add the priests, whose politics have never been doubted. Those of Egypt in particular, where the sacred mysteries were first devised, well knew the use of hiding from the eyes of the vulgar what they intended should inspire them with the greatest awe and dread. The mind of man is so much more capable of magnifying than his eye, that I question whether every object is not lessened by being looked upon: and this more especially when the passions are concerned: for these are ever apt to fancy much more satisfaction in those objects which they affect, and much more of mischief in those which they abhor, than are really to be found in either.

If executions therefore were so contrived that few could be present at them, they would be much more shocking and terrible to the crowd without doors than at present, as well as much more dreadful to the criminals themselves, who would thus die in the presence only of their enemies; and where the boldest of them would find no cordial to keep up his spirits, nor any breath to flatter his ambition.

3rdly. The execution should be in the highest degree solemn. It is not the essence of the thing itself, but the dress and apparatus of it, which make an impression on the mind, especially on the minds of the multitude, to whom beauty in rags is never desirable, nor deformity in embroidery a disagreeable object.

Montaigne, who of all men, except Aristotle, seems best to have understood human nature, enquiring into the causes why death appears more terrible to the better sort of people than to the meaner, expresses himself thus: 'I do verily believe, that it is those terrible cere-'monies and preparations wherewith we set it out that 'more terrify us than the thing itself; a new and con-'trary way of living, the cries of mothers, wives, and

'children, the visits of astonished and afflicted friends, 'the attendance of pale and blubbered servants, a dark 'room set round with burning tapers, our beds environed 'with physicians and divines, in fine, nothing but ghast-'liness and horror round about us, render it so formid-'able that a man almost fancies himself dead and buried 'already.'*

'If the image of death,' says the same author, 'was to 'appear thus dreadful to an army they would be an army 'of whining milksops; and where is the difference but in 'the apparatus? Thus in the field (I may add at the 'gallows) what is encountered with gaiety and unconcern, 'in a sick bed becomes the most dreadful of all objects.'

In Holland the executions (which are very rare) are incredibly solemn. They are performed in the area before the stadthouse, and attended by all the magistrates. The effect of this solemnity is inconceivable to those who have not observed it in others or felt it in themselves; and to this perhaps, more than to any other cause, the rareness of executions in that country is owing.

Now the following method which I shall venture to prescribe, as it would include all the three particulars of celerity, privacy, and solemnity, so would it, I think, effectually remove all the evils complained of, and which at present attend the manner of inflicting capital punishment.

Suppose then that the court at the Old Bailey was, at the end of the trials, to be adjourned during four days; that against the adjournment day a gallows was erected in the area before the court; that the criminals were all brought down on that day to receive sentence; and that this was executed the very moment after it was pronounced, in the sight and presence of the judges.

* Montaigne, Essay 19.

Nothing can, I think, be imagined (not even torture, which I am an enemy to the very thought of admitting) more terrible than such an execution; and I leave it to any man to resolve himself upon reflection, whether such a day at the Old Bailey or a holiday at Tyburn would make the strongest impression on the minds of every one.

Thus I have, as well as I am able, finished the task which I proposed: have endeavoured to trace the evil from the very fountain-head, and to shew whence it originally springs, as well as all the supplies it receives, till it becomes a torrent, which at present threatens to bear down all before it.

And here I must again observe, that if the former part of this treatise should raise any attention in the legislature, so as effectually to put a stop to the luxury of the lower people, to force the poor to industry, and to provide for them when industrious, the latter part of my labour would be of very little use; and indeed all the pains which can be taken in this latter part, and all the remedies which can be devised, without applying a cure to the former, will be only of the palliative kind, which may patch up the disease, and lessen the bad effects, but never can totally remove it.

Nor, in plain truth, will the utmost severity to offenders be justifiable unless we take every possible method of preventing the offence. *Nemo ad supplicia exigenda provenit, nisi qui remedia consumpsit*, says Seneca,* where he represents the governors of kingdoms in the amiable light of parents. The subject as well as the child should be left without excuse before he is punished; for in that case alone the rod becomes the hand either of the parent or the magistrate.

* De Clementia, lib. ii. Fragm.

All temptations therefore are to be carefully moved out of the way; much less is the plea of necessity to be left in the mouth of any. This plea of necessity is never admitted in our law; but the reason of that is, says Lord Hale, because it is so difficult to discover the truth. Indeed that it is not always certainly false is a sufficient scandal to our polity; for what can be more shocking than to see an industrious poor creature, who is able and willing to labour, forced by mere want into dishonesty, and that in a nation of such trade and opulence.

Upon the whole something should be, nay, must be done, or much worse consequences than have hitherto happened are very soon to be apprehended. Nay, as the matter now stands, not only care for the public safety, but common humanity, exacts our concern on this occasion; for that many cart-loads of our fellow-creatures are once in six weeks carried to slaughter is a dreadful consideration; and this is greatly heightened by reflecting, that, with proper care and proper regulations, much the greater part of these wretches might have been made not only happy in themselves, but very useful members of the society, which they now so greatly dishonour in the sight of all Christendom.

THE END.

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